

# TOWNSHIP OF MINDEN HILLS

## OFFICIAL PLAN

**Adopted: June 26, 2003**

Approved with modifications by the  
Ministry of Municipal Affairs on  
February 22, 2005

Official Plan in effect: March 17, 2005



PLANSCAPE

Building Community through Planning  
Bracebridge, Ontario

Consolidated October 31, 2007



**The Corporation of the Township of Minden Hills**

**By-law No. 03-62**

**Being a By-law to adopt the Official Plan  
Of the Township of Minden Hills**

**WHEREAS**, pursuant to the provisions of Section 17 of the Planning Act, R.S.O. 1990, c.P.13, as amended, the Council of the Corporation of the Township of Minden Hills may provide for the preparation of a plan suitable for adoption as the Official Plan of the Municipality.

**NOW THEREFORE**, the Council of The Corporation of the Township of Minden Hills enacts as follows:

1. **THAT** the Official Plan of the Township of Minden Hills, comprising text and attached Schedules "A1", "A2", "A3", "A4", "A5", "B1", "B2", "B3", "B4", "B5", "B1-A", "B2-A", "B3-A", "B4-A", "B5-A" and "C", is hereby adopted.
2. **THAT** the CAO/Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for the approval of the Official Plan of the Township of Minden Hills.
3. **THAT** this by-law shall not come into force or take effect until approved by the Minister of Municipal Affairs and Housing.

**READ A FIRST** time in Open Council this 26<sup>th</sup> day of June, 2003.

**READ A SECOND** time in Open Council this 26<sup>th</sup> day of June, 2003.

**READ A THIRD TIME** and finally passed in Open Council this 26<sup>th</sup> day of June, 2003.

*Ross Rigney*

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Reeve, Ross Rigney

*Twyla Nicholson*

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Deputy-Clerk, Twyla Nicholson



<b>Official Plan Amendments to the Official Plan of the Township of Minden Hills</b>				
<b>OPA #</b>	<b>TITLE</b>	<b>ADOPTED</b>	<b>NOTICE OF DECISION by County of Haliburton</b>	<b>IN EFFECT</b>
1	General amendment to incorporate changes to the Planning Act, County of Haliburton Official Plan, Provincial Policy Statement (2005) and approval of Zoning By-law 2006-10	May 10, 2007	September 26, 2007	September 26, 2007
2	To expand the boundaries of the Employment designation at the intersection of Water Street and Hwy. 35 on Schedule C-2 (to permit Canadian Tire store)	May 31, 2007	August 29, 2007	August 29, 2007





# TOWNSHIP OF MINDEN HILLS

## OFFICIAL PLAN

March 17, 2005, as approved with  
Ministry of Municipal Affairs & Housing modifications.

Consolidated October 31, 2007

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# TOWNSHIP OF MINDEN HILLS

## OFFICIAL PLAN

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### Section 1 Introduction and Structure of the Plan

- 1.1 On January 1, 2001 the geographic townships of Anson, Hindon, Minden, Lutterworth and Snowdon were amalgamated to form the Township of Minden Hills.
- 1.2 The geographic township of Snowdon does not currently have an Official Plan; in Lutterworth, the Official Plan received Ontario Municipal Board approval in 2002; the Anson, Hindon & Minden Official Plan dates back to 1978. This Plan is intended to provide a policy context for Snowdon and replace the two existing official plans.

### Section 2 Purpose, Basis and Context of the Plan

#### 2.1 Purpose of the Plan

- 2.1.1 The main purpose of the Official Plan is to provide a comprehensive framework for the guidance of future land use and physical development in the Township of Minden Hills.
- 2.1.2 The Plan sets out the overall framework in which development applications and municipal initiatives will be reviewed and evaluated.
- 2.1.3 The Plan is intended to:
  - adopt growth management policies to guide the amount of growth and development that occurs in the Township over the time frame of the Plan;
  - provide a consistent approach to the review and evaluation of development applications throughout the Township;
  - provide guidance to Council, Committees of Council and other agencies on future development applications;
  - encourage the preparation of 'secondary plans' and 'lake plans' that will provide for more detailed guidance for specific areas in the Township;
  - recognize and reinforce both a strong urban centre and a strong recreational community;
  - ensure that land use planning within the Township contributes to the protection, maintenance and enhancement of water related resources and aquatic ecosystems, on an integrated watershed management basis;



- ensure that growth and development within the Township occurs in a manner that will minimize public health and safety issues, including the protection of human life and property from water related hazards such as flooding and erosion; and,
- provide for the conservation of the natural environment, including wetlands, woodlands, Areas of Natural and Scientific Interest (ANSI), fish and wildlife habitat, lakes, rivers and streams, on an ecosystem management basis.

## 2.2 Basis of the Plan

2.2.1 This Plan has been prepared to deal with the current conditions under which growth and development are set to occur within the Township. Initiatives by the Township in the provision of water supply and sewage disposal have cleared the way for new industrial, commercial and residential development in the Village of Minden. Waterfront areas are expected to continue to be developed for recreational purposes.

2.2.2 The policies in the Plan are based on a number of factors:

- the need to update current land use policies in the Township;
- the recognition that growth will be relatively slow in the urban areas and that much of the population growth in the Township will occur along the shorelines, in part through the year round use of traditional seasonal lots;
- Consistency with the Provincial Policy Statement; and,
- Conformity with the County of Haliburton Official Plan.

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## 2.3 Time Frame

2.3.1 This Official Plan provides a policy framework to reflect the conditions of growth and development that are expected to occur over the next twenty years. It is intended that the policies of the Plan will be reviewed periodically, and modifications made to the Plan to reflect desired changes in growth and development opportunities. Such reviews are expected at 5 year intervals, with the opportunity for more frequent review if warranted by changes in growth pressures.

2.3.2 This Plan does not contemplate a fixed population or household target.

## 2.4 Planning Context

2.4.1 This plan is intended to be consistent with the relevant provisions of the Provincial Policy Statement.

2.4.2 This Plan is intended to be in conformity with the Haliburton County Official Plan in all areas where the County has jurisdiction.

2.4.3 This Plan is a Local Official Plan. It is the approved guideline for development in the Township of Minden Hills, but is not a stand-alone regulation. The policies of

OPA No. 1



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this Plan are implemented by the decisions of Council and in conformity with zoning and other regulatory by-laws adopted by Council from time to time.

## Section 3 Guiding Principles

### 3.1 Principles

The purpose of this Plan is to assist Council in making decisions about the physical development of the Municipality while having regard for relevant environmental, economic and social matters.

### 3.2 Goal of the Plan

The goal of this Plan is to reduce uncertainty in the Township by providing policies to direct development in a manner that will minimize conflict between varying land uses and users, and that will reinforce the existing community structure.

### 3.3 Objectives of the Plan

- 3.3.1 Evaluation of environmental impact will be the biggest factor in determining the suitability of any property for development. Existing lots are adequate to house anticipated changes in the population; demand for new lots will be for reasons other than population growth.
- 3.3.2 Residential, commercial and industrial development should be encouraged to locate within the settlement boundaries of the Village of Minden, as shown on Schedules "A" and "C". Tourism and tourism related activities should be encouraged to locate in waterfront areas, on lakes that are not at or near capacity.
- 3.3.3 Development geared to providing services to the older segment of the population and that improve accessibility for persons with handicaps, should be encouraged. Development that will stabilize or increase the size of the youth population should also be encouraged.

### 3.4 Growth Management Policies

- 3.4.1 The continuation of the existing development pattern shall be promoted.
- 3.4.2 The function of areas of natural and heritage resources shall be preserved.
- 3.4.3 The Village of Minden, as identified on Schedules "A" and "C", shall continue as the center of higher density residential development, economic activity, and social and cultural services. All future development within this area should occur on lots serviced with Municipal water and sewer services.
- 3.4.4 Additional residential and commercial development is also anticipated within the settlement area of Carnarvon, as identified on Schedule "A". Development in this area shall be based on the provision of private, individual water and septic services.



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- 3.4.5 Limited development is anticipated in other settlement areas identified on Schedule “A”. Any future development shall be based on the provision of private, individual water and septic services and shall comply with Waterfront designation policies where applicable. These areas are indicated as existing nodes of settlement and are recognized primarily for their historical significance in the development of the Township.
- 3.4.6 Properties located on the shores of rivers, lakes and streams shall be low density residential and low intensity tourism or tourism related in nature.
- 3.4.7 Development in the rural areas of the Township shall be located on publicly owned, year round maintained roads, and will be permitted in a low density, dispersed pattern.
- 3.5 Identification of Character
- 3.5.1 In addition to the policies in this Plan, development will be considered on the basis of its ability to support, maintain and/or expand the character of the location in which the development is proposed.
- 3.5.2 The development of secondary plans to define the character of specific areas in the Township will be supported by the Township.

## Section 4 Environmental Management

### 4.1 General

- 4.1.1 Environmental protection and effective resource management are important to the future of the Township. The municipality must exercise strong management in this regard, while recognizing there are a number of other public and private agencies that also have a mandate to concentrate on certain elements of this duty.
- 4.1.2 For the purposes of this Plan, references to shoreline and normal or controlled high water mark are interchangeable.

OPA No. 1

### 4.2 Significant Natural Heritage Features

- 4.2.1 Schedules “B” and “B-A” provide a Natural Features Overlay indicating where a number of environmental features are present. These include: wetlands, fish habitat areas, potential aggregate resources, Ontario Living Legacy sites, moose and deer wintering areas, and lakes that are at or near development capacity.
- 4.2.2 Significant natural heritage features consist of the following:
- Parts of the habitat of endangered and threatened species listed in the municipal heritage register (Section 4.3), as identified by the Ministry of Natural Resources. No development is permitted in the habitat of endangered and threatened species.
  - Fish Habitat, as identified by the Ministry of Natural Resources as either



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spawning areas or fish sanctuaries.

- Known floodways along the Gull River, as identified in a separate land use designation on Schedules “A” and “C”.
- Provincially Significant Wetlands, which are identified by the Ministry of Natural Resources and are identified in a separate land use designation on Schedule “A”.
- Other Potentially Significant Wetlands, as described in Section 4.2.3.
- Moose and deer wintering areas/yards, as identified by the Ministry of Natural Resources.
- Areas of Natural and Scientific Interest, as identified by the Ministry of Natural Resources. When this Plan was adopted, there were no such areas in the Township. Any such areas identified in the future will be designated on Schedules “B” and “B-A”.

- 4.2.3 Very few of the wetlands in Haliburton County have been evaluated by the Ministry of Natural Resources because of the relatively high cost of applying the Northern Ontario Wetland Evaluation System; this is not likely to change in the near future. Many of these unevaluated wetlands may be locally, regionally, or provincially significant. The County of Haliburton, the Ministry of Natural Resources, and Ducks Unlimited Canada in partnership have undertaken an initiative to map the wetlands in the County more accurately through remote sensing. Using a simple model not requiring field reconnaissance, wetlands will be reviewed for their potential local, regional, or provincial significance under the Wetland Evaluation System. The Township supports this study, however, its results were not available when this Plan was adopted.

The Township intends to amend this Plan to designate Other Potentially Significant Wetlands on Schedules “B” and “B-A”, based on the findings of the partnership study when available. Until that amendment comes into effect, Other Potentially Significant Wetlands are considered to be contiguous blocks that are 10 hectares (25 acres) or more in area and/or border on a lake where there is existing shoreline development or where shoreline development may occur, and which are not part of a Provincially Significant Wetland.

- 4.2.4 Council will only consider an application for development within the following areas if the applicant submits a natural heritage evaluation as described in Section 4.2.7;

OPA No. 1

- *Critical Fish Habitat;*
- *Significant Moose and deer wintering areas/yards;*
- *Adjacent lands contiguous to significant natural heritage features as noted in Section 4.2.8.*

For Other Provincially Significant Wetlands, no natural heritage evaluation is required if the Ministry of Natural Resources provides written confirmation to the Township that the lands are not considered to be within a significant natural heritage feature or its adjacent lands.



4.2.5 Within the Moose/Deer Wintering Areas designation, or its adjacent lands, where the proposed development is the creation of lots by consent, or further development on no more than four abutting lots in a Waterfront area, Council may exempt the applicant from having to submit a natural heritage evaluation, only if the development approval includes a consent agreement and/or zoning by-law that requires:

- minimum lot frontage of 90 metres (295 feet); and,
- that at least 80% of the shoreline frontage to a depth of 30 metres (98 feet) will be maintained in its natural state.

4.2.6 Council will consider an application for development within Other Potentially Significant Wetlands, or within their adjacent lands, provided that, as requested by Council, the applicant submits an evaluation of the wetland using the Northern Ontario Wetland Evaluation System and/or a natural heritage evaluation. An evaluation may be required to demonstrate, to Council's satisfaction, that the proposed development will have no negative impacts on the wetland or its ecological functions.

**MMAH  
Mod. No. 1**

4.2.7 A natural heritage evaluation will be conducted using the Natural Heritage Reference Manual and supporting technical manuals produced by the Ministry of Natural Resources as a guide. The study area for the natural heritage evaluation will be the entire significant natural heritage feature and its adjacent lands. The evaluation will consider how to maintain, and where possible improve, the diversity of natural features in the study area and the connections between them. If in the course of a natural heritage evaluation, the applicant becomes aware that the study area includes actual habitat of endangered or threatened species, the applicant will advise the Township at the earliest opportunity.

4.2.8 Adjacent lands contiguous to significant natural heritage features are lands within the following distances from the features:

- Provincially Significant Wetlands and Other Potentially Significant Wetlands – 120 metres (394 feet)
- Fish Habitat – 30 metres (98 feet)
- Significant Wildlife Habitat – Species of Conservation Concern – 150 metres (492 feet) from the centres of the nests
- All other features – 50 metres (164 feet).

For the purposes of a specific development application, the adjacent lands contiguous to a specific feature may be varied from these standards, where documented and justified to Council's satisfaction.

#### 4.3 Municipal Heritage Register

4.3.1 Certain significant natural heritage features are not appropriate for designation on Schedule "B" or "B-A", either because their locations may well change in the short to medium term, or because they could be prone to vandalism or destruction if their locations were known to the general public.



4.3.2 The Township will maintain a register of the following features. The identification and location of these features into the register will be of equal validity for purposes of the Plan, as if the features were designated on Schedule “B” or “B-A”.

- Significant parts of the habitat of endangered and threatened species. Access to this information will be restricted to the extent required by the Ministry of Natural Resources.
- Significant Wildlife Habitat – Species of Conservation Concern. This information will be used to supplement Schedule “B” on a short to medium term basis.

#### 4.4 Water Resources

4.4.1 The Township recognizes the importance of maintaining and improving the quality and quantity of groundwater and surface water. As such, the function of watercourses and sensitive ground water recharge/discharge areas, aquifers and head water areas will be protected or enhanced. All major development applications, including plans of subdivision and water taking industries, shall be supported by hydrological and terrain analysis reports and nitrate impact assessments where there may be an impact on ground or surface water resources. An impact assessment of development on a surface waterbody will also be required for major development adjacent to a waterbody. These studies, among other matters, will address the impacts of the proposed development on ground and surface water resources.

4.4.2 Development and site alteration will be set back from all watercourses within the Township in order to protect their natural features and functions, provide riparian habitat, and minimize the risk to public safety and property. The setback distance shall be determined on-site in consultation with the appropriate approval authorities. In general, development and site alteration should be set back a minimum of 30 metres (100 feet) from the high water mark of lakes, rivers and streams, with the following exception:

- The minimum setback is 23 metres (75 feet) for buildings and structures and 30 metres (100 feet) for tile fields for a lot in existence on the date of approval of this Official Plan.

In cases where these setbacks are not achievable, the greatest setback possible will be required, subject to the provisions of Section 6.2.6.13.

#### 4.5 Lake Capacity

##### 4.5.1 General Policy

Before approving any development proposal adjacent to a lake, Council must be assured that the proposed development will not exceed the capacity of the lake to accommodate development. The Plan recognizes three factors as limiting lake capacity:

**MMAH  
Mod. No. 2**



- water quality;
- surface capacity for recreation; and,
- shoreline development capacity.

#### 4.5.2 Water Quality

- 4.5.2.1 The Ministry of Natural Resources, in association with the Ministry of the Environment, has undertaken a sensitivity analysis of the development capacity of lake trout lakes throughout the Township of Minden Hills. A number of lakes have been identified as exhibiting a high or moderate sensitivity to new development.
- 4.5.2.2 Council recognizes the importance of cold water lakes and streams within the Township. Therefore, development shall only take place in a manner that does not adversely affect the habitat essential to the maintenance of a healthy cold water fishery.
- 4.5.2.3 The lakes listed below have been identified by the Ministry of Environment and Ministry of Natural Resources as lakes with naturally reproducing lake trout populations. According to existing and modelled water quality conditions, these lakes are highly sensitive to further shoreline development, and considered to be at development capacity:

- Bob Lake
- Canning Lake
- Davis Lake
- Kashagawigamog Lake
- Little Bob Lake
- Little Boshkung Lake
- Moore Lake (including East Moore Lake)
- North Pigeon Lake
- Sheldon Lake
- Twelve Mile Lake

**MMAH Mod.  
No. 3.a)**

Existing development rights are recognized on the above noted lakes. New development shall not be permitted unless unique or special circumstances allow the development to occur. Prior to the approval of the development proposal within 300 m of the highly sensitive lake trout lake, detailed studies will be required to demonstrate that the physical features, design and siting of the development will not have an adverse impact upon the quality of the lake and related lake trout habitat. The Ministry of the Environment and Ministry of Natural Resources shall be consulted in these circumstances.

**MMAH Mod.  
No. 3.b)**

- 4.5.2.4 Council will not consider any application that involves the creation of a new lot, or new medium density, lifestyle or cluster residential units, or any non-residential development, on the shorelines of lakes listed in Section 4.5.2.3, unless at least one of the following applies.



- Each created and retained lot has an existing dwelling and septic tank tile field, and its use is and will remain residential.
- If the proposed development is residential, it is eligible for an approved pilot program of the Ministry of Municipal Affairs and Housing to evaluate alternative phosphorus removal technologies, and the applicant and the Township are prepared to enter into agreements required by the pilot program to the satisfaction of the Ministry.
- If the proposed development is non-residential and it does not involve or require any new individual on-site or communal sewage disposal systems, or expansion of existing systems.
- Any new individual on-site or communal sewage disposal systems, or expansion of existing systems, will use technologies recognized by the Ministry of Municipal Affairs and Housing and the Ministry of the Environment as causing no increase in phosphorus inputs over those existing before development.
- The applicant undertakes a lake trout habitat impact assessment that demonstrates to the satisfaction of the Ministry of Environment and the Ministry of Natural Resources that the development will not adversely affect the lake's lake trout habitat.
- Tile fields on the lots created will be located such that:
  - the tile field is located more than 300 metres from the shoreline, or
  - the drainage flow to the lake from the tile field will be greater than 300 metres; or
  - the drainage flow from the tile field is toward a lake not listed in Section 4.5.2.3.
- The proposed new use has a scale and density that is less than currently exists on site, and shall demonstrate a net reduction of the phosphorus loading on the lake. Prior to any redevelopment being approved, the Environmental Impact Study (EIS) shall be completed to the satisfaction of the County, local municipality, the Ministry of Natural Resources and the Ministry of the Environment. The Environmental Impact Study (EIS) shall among other things, provide recommendations on implementation tools related to hydrogeology, soils and vegetation matters on site.

**OPA No. 1**

**OPA No. 1**

4.5.2.5 Lakes that are moderately sensitive to additional shoreline development and are nearing development capacity in terms of water quality may require further detailed studies prior to approval of a development application. Council shall consult with the Ministry of Environment and Ministry of Natural Resources as part of the development approval process to determine the appropriateness of the development proposed, and the need for the proponent to undertake an environmental impact study. The following lakes have been identified as having moderate sensitivity.

**MMAH Mod.  
No. 3.c)**

- Bow Lake
- Lutterworth (Devil's) Lake



- Gull Lake
- South Anson Lake
- Anson Lake
- Mountain Lake
- Soyers Lake

**MMAH Mod.  
No. 3.d)**

#### 4.5.3 Surface Capacity for Recreation

4.5.3.1 Research has established relationships between recreational development on a given lake, and the resulting use of the lake's surface area for fishing, boating, swimming, water skiing, and other related activities. Beyond a certain limit, the amount of recreational use on a given lake will significantly reduce its attractiveness for shoreline residents and visitors. As well, in some circumstances, recreational boating can intensify to the point where public safety is at risk.

4.5.3.2 If Council determines that proposed shoreline development applications could unduly add to existing aquatic recreational stresses, conflicts, and hazards, it may require that an applicant submit a boating capacity study. This study will demonstrate to Council's satisfaction that the boating activity generated by the proposed development will not unduly add to existing aquatic recreational stresses, conflicts, and hazards; that any impacts can be mitigated so that the lake's recreational attractiveness will be maintained or enhanced; and, that issues of public safety are minimized. Council may impose conditions of approval to ensure the implementation of impact mitigation recommendations.

#### 4.5.4 Shoreline Development Capability

4.5.4.1 Council may consider an application for development that involves the creation of a new lot, new medium density, lifestyle or cluster residential units, or any non-residential development, on the shorelines of lakes listed in Section 4.5.2.3, only if the applicant submits a site evaluation report as described in Section 10.14.

**OPA No. 1**

**OPA No. 1**

#### 4.5.5 Lake Trophic State

4.5.5.1 Lake trophic status is an indicator of nutrient levels based on total phosphorus levels and is a lake capacity factor which can limit development. Increased phosphorus inputs resulting from development is a concern on all lakes.

**MMAH Mod.  
No. 4.a)**

4.5.5.2 The Township will encourage and support the continued and enhanced monitoring of lake trophic state by the Ministry of Environment and lake associations. The Township will use the results in reviewing the policies of this Plan and, where appropriate, individual development applications. If Council determines that a proposed development has the potential to impair lake trophic status, it may require the applicant to undertake a lake impact assessment prior to approval to ensure that water quality of the lake is

**MMAH Mod.  
No. 4.b)**



protected. Development on cold water lakes shall follow the policies outlined in Section 4.5.

#### 4.6 Floodway Management

- 4.6.1 Floodway areas are those lands susceptible to flooding, as indicated on Schedules "A" and "C". These lands, if developed, could result in the deterioration or degradation of the environment, damage to property, and/or loss of life.
- 4.6.2 The erection of buildings or structures, or the removal or placing of fill of any kind, shall be prohibited except where such buildings or structures are intended for flood or erosion control or bank stabilization. Minimal development of shoreline structures (docks) may be permitted.
- 4.6.3 Similarly, development should not be permitted on other lands not specifically identified, but where flooding is known to occur. In these instances, development may be permitted after the proponent has undertaken studies to confirm that development in that location can occur in a safe manner with no impact to existing development up or down stream.

#### 4.7 Forestry and Forest Management

**MMAH Mod.  
No. 4.c)**

- 4.7.1 Forest areas are to be maintained and increased to the greatest extent possible.
- 4.7.2 The Township also recognizes the importance of forestry operations and encourages sound forest management practices on all lands in the Township.
- 4.7.3 Restoration and tree planting efforts should be directed to areas that would create or re-establish natural corridors such as river and stream riparian areas.

#### 4.8 Recreation

- 4.8.1 The Township will support the development of recreational trails, particularly along unopened road allowances.
- 4.8.2 Trails created through private agreements and trails which connect to other municipalities are also encouraged.

#### 4.9 Soil Conservation

- 4.9.1 The Township will support measures to protect the soils of the Municipality from wind erosion, flooding and other natural hazards.

#### 4.10 Fish and Wildlife Habitat

- 4.10.1 The importance of protecting wildlife corridors and preventing the fragmentation of these lands cannot be overemphasized. These areas, as shown on Schedules "B" and "B-A", will be protected against interruption when new or enlarged development is under consideration.
- 4.10.2 Fish and wildlife habitat is recognized as a valuable resource in the Township. Significant habitat has been identified on Schedules "B" and "B-A". Development



and site alteration will only be permitted in fish and wildlife habitat if it is demonstrated that there will be no negative impacts on the natural features or ecological function(s) for which the area is identified. The Township may consult federal, provincial, municipal, or other appropriate agencies for the successful implementation of this policy.

#### 4.11 Endangered and Threatened Species Habitat

- 4.11.1 Development and site alterations will not be permitted in the habitat of endangered species or in significant portions of the habitat of threatened species. The Township will consult mapping produced by the Ministry of Natural Resources with regard to these habitat areas prior to considering development approvals.

**MMAH Mod.  
No. 4.d)**

#### 4.12 Steep Slope and Erosion Areas

- 4.12.1 Development will be set back from areas exhibiting steep slopes (greater than 20%) or active erosion. The setback distance will be determined on site in consultation with a qualified specialist. A reduction of the setback distance will be considered only when supported by a geotechnical investigation prepared by a soils expert. The geotechnical investigation shall be prepared to the satisfaction of the appropriate approval authority.

#### 4.13 Implementation

- 4.13.1 The Township will establish a restrictive environmental zone category in its zoning by-law that will limit the uses permitted to 'conservation uses'. All provincially significant wetlands, and other environmental areas deemed significant by the Township may be placed in the environmental zone.

## Section 5 Village of Minden

### 5.1 Location and Identification

- 5.1.1 The limits of the Village of Minden are identified on Schedules "A" and "C". The boundaries recognize existing development and abutting serviceable lands that can potentially accommodate the growth anticipated within the urban area.

- 5.1.2 There are 5 land use designations identified within the Village:

- Residential
- Employment Area
- Open Space
- Floodway
- Hazard



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## 5.2 Community Design

5.2.1 Community design guidelines are used to ensure that development contributes to the well being of residents and enhances the positive aspects of the community character. Community design policies contribute to and guide:

- The revitalization of the downtown core;
- New commercial and industrial development;
- Subdivision design;
- Preservation of cultural heritage features and scenic values;
- Conservation of natural features;
- Location and design of roads;
- Community integration; and,
- Aesthetics.

5.2.2 The following policies are designed to protect the viability of the commercial core and to enhance its appeal:

- The preservation and re-use of historic buildings and features is encouraged;
- Through traffic will be redirected to maintain the destination function of the core area and improve the environment for pedestrians;
- A mix of retail, small business, residential intensification and institutional uses is encouraged in the downtown core;
- Signage, streetscape and building facades should be coordinated through a program to enhance the attractive and distinctive small town character;
- Creation of new views and vistas will be encouraged in any redevelopment proposal;
- Cash in lieu of parking is an option for new development; the cash may be used to create interconnected and clearly identified parking areas near the fringes of the core area in convenient locations that enhance the pedestrian experience; and,
- Definition and softening of the visual impact of large parking areas in the core should be implemented.

5.2.3 New commercial development is encouraged to implement the following design requirements:

- Landscaping and green spaces are to be provided between the road and sidewalk and between the sidewalk, large parking lots, and parking aisles, to soften the impact of the asphalt;
- Pedestrian linkages will be provided between abutting residential, recreational, institutional and small scale commercial uses;



- Flexible design standards will be implemented so design features consistent with the existing small town character can be included in the design; to permit the use of smaller setbacks, parking behind buildings, wall mounted signs and architectural compatibility with traditional forms;
- Access for pedestrians and cyclists should be incorporated in site design;
- Pedestrian friendly streetscapes are encouraged through the use of overhead canopies, bollards, flags, flagpoles and small 'village greens';
- The location and layout of parking lots will avoid a linear form of development dominated by large asphalt parking lots; and,
- Development along Highway 35 shall take into account the need to maintain proper traffic flow through the area.

5.2.4 Subdivision design will contribute to the well being and cohesiveness of the community. To promote this, the following principles are used to guide subdivision layout, both within subdivisions and between subdivisions:

- Street patterns will be designed to distribute traffic throughout the site and provide numerous linkages both within the subdivision and with abutting development;
- Alternative development standards will be used to encourage a variety of street types, and neighbourhood character;
- A mix of housing types will be encouraged;
- Pedestrian facilities, including sidewalks and links with schools, recreation facilities, and commercial areas, will be part of the development;
- Natural features will be integrated into the design and preserved for public enjoyment;
- Views and vistas should be preserved and new ones created where feasible;
- Trees will be planted on the boulevard between the sidewalk and the street;
- Energy conservation issues will be addressed through siting of buildings and orientation of streets;
- Walking and bicycle trails linking the development to other facilities in the community should be provided;
- Home occupations will generally be allowed in residential areas, subject to standards established in the zoning by-law.

5.2.5 The main entrances to the Village create an impression of the community, and require specific design considerations to reflect the character of the Village. Streetscape improvements and regulation of signs and parking areas will be important components in any strategy to improve the visual features of the entrances.

5.2.6 Public open space along the shoreline of the Gull River and access to the water will be preserved, expanded and enhanced.



- 5.2.7 Where a lot is adjacent to a shoreline, any development should be oriented and designed so that it is visually attractive and accessible from both the road and the water.
- 5.2.8 The shoreline in front of any commercial or institutional use should be enhanced and designed to provide pedestrian access.

### 5.3 Servicing and Access Requirements

- 5.3.1 New development in the Village shall be serviced with piped municipal water and sewage facilities. Lot creation will only be considered if sufficient water and sewer plant capacity exists to accommodate the proposed development.
- 5.3.2 All lots will front on and have access to roads municipally maintained year round.
- 5.3.3 Storm water management shall be addressed in all development applications.

### 5.4 Residential Areas

- 5.4.1 The Residential designation will allow a mix of residential densities and dwelling types, from single detached dwellings to higher density apartment dwellings.
- 5.4.2 Home based business and accessory uses that are appropriate to a residential neighbourhood will be encouraged and regulated in the Zoning By-law.
- 5.4.3 Open space (parks, recreation facilities, recreational trails and natural areas) and institutional uses (schools, churches, nursing homes, community facilities, libraries) are appropriate in the residential neighbourhoods.
- 5.4.4 This Plan does not provide separate designations for low, medium and high density areas. More than one residential zone will be used in the Zoning By-law to differentiate between the densities, and to direct higher density uses to specific areas. In general, medium and high density uses should be located in the vicinity of commercial and institutional uses, near the downtown core, along major streets, and serviced with municipal water and sewer services.
- 5.4.5 Residential development will be subject to the following density guidelines:
- Low density development that includes primarily single detached dwellings shall not exceed a density of 16 units per developable hectare (6.5 units per acre);
  - Medium density development that includes primarily low rise apartment or townhouse/rowhouse dwellings shall not exceed a density of 24 units per developable hectare (10 units per acre);
  - High density development that includes primarily multi-storey apartments shall not exceed a density of 40 units per developable hectare (16 units per acre); and,



- Residential densities shall be calculated per developable hectare which includes the residential lot and excludes public lands such as roads, parks, schools and public storm water management facilities.
- 5.4.6 Due to the scale of the community, neighbourhood commercial facilities are not permitted in the residential designations, but will be directed to appropriate lands in the employment areas.
- 5.4.7 Residential intensification in the form of accessory apartments, garden suites and attached additions, are encouraged throughout the residential areas provided such intensification does not adversely affect the character of the area.
- 5.4.8 Residential development will be phased in a logical sequence, from the centre of the Village towards the limits of the boundary of the Village of Minden, as dictated by servicing constraints.
- 5.4.9 Limited infilling on smaller lots may be permitted in established residential areas, where it will not adversely affect the character of the area.

## 5.5 Employment Areas

- 5.5.1 The Employment Area designation is intended to provide for business and commerce uses, together with compatible industrial and community uses. Diversity within this designation will be accommodated in a manner that encourages competing and complementary uses.
- 5.5.2 The following provisions apply to all Employment Area lands:
- All development shall proceed on the basis of municipal water and sewage service;
  - Adequate parking and loading facilities will be provided;
  - Shared access, parking and internal roadways for adjacent developments is encouraged;
  - All development shall have regard for, and may be required to be coordinated with, the streetscape and facades in the Area, with a view towards preserving or enhancing the appearance of the Area;
  - Where an Employment use abuts a Residential, Open Space or Institutional designation, screening and/or landscaped buffers should be provided in an effective and aesthetically pleasing manner; and,
  - Development will be subject to site plan control.
- 5.5.3 The Village Employment Area is intended to function as the primary service centre for the Township and shall contain the most important concentration and broadest range of retail, commercial (including convenience commercial), office, administrative and cultural services. Residential uses may also be considered in conjunction with the permitted uses of this designation, provided floor space fronting on the streetscape is exclusively devoted to a permitted use.



- Development and redevelopment should be geared toward physically enhancing the Village Employment Area for pedestrian use;
- Building setbacks shall be consistent with the nature of the immediate surrounding area; and,
- Off site parking may be considered where cash is to be provided in lieu of on-site spaces.

5.5.4 The Highway Employment Area is primarily intended to provide commercial services and facilities to the traveling public or to accommodate commercial activities which may not be conveniently located elsewhere and/or which require extensive land areas for structural space, vehicular parking, outdoor storage or display of goods and materials. Complementary industrial uses may also be permitted.

- Uses should be readily accessible to motorists and ingress and egress points should be limited in number, readily distinguishable, and be separated by landscaped boulevards wherever possible;
- Development and re-development should encourage the reduction of ingress and egress points along Highway 35, and be integrated with existing development;
- Pedestrian access and facilities with links to existing areas should be encouraged;
- Staggered setbacks shall be encouraged; and,
- Industrial uses will be limited to low impact uses in terms of noise, emissions, visual appearance, odour, or elements having similar negative effects on adjacent uses.

## 5.6 Open Space

5.6.1 An integrated, accessible open space system that promotes linkages throughout the Village will be encouraged. As new development is proposed, an open space system will be developed which responds to the needs of the Township.

5.6.2 Existing open space and recreational facilities should be integrated into the overall system so they are effectively used. Significant natural features will be part of the open space network in the Village.

## 5.7 Floodway

5.7.1 Floodway areas are those lands susceptible to flooding, as indicated on Schedules "A" and "C". These lands, if developed, could result in the deterioration or degradation of the environment, damage to property, and/or loss of life.

5.7.2 The erection of buildings or structures, or the removal or placing of fill of any kind, shall be prohibited except where such buildings or structures are intended for flood or erosion control or bank stabilization. Minimal development of shoreline structures (docks) may be permitted.



## 5.8 Hazard Lands

5.8.1 Hazardous lands means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of flooding, erosion or dynamic beach hazard limits. Along river and stream systems, this means the land, including that covered by water, to the furthest landward limit of the flooding or erosion hazard limits. These lands, if developed, could result in the deterioration or degradation of the environment, damage to property, and/or loss of life. These lands have been indicated on Schedule "C" for the Minden urban area. In areas where the hazard limit has not yet been identified along streams, the limit of the hazard will be identified prior to development approval through the preparation of a Site Evaluation Report or Environmental Impact Study.

**MMAH  
Mod. No. 5**

5.8.2 Development and site alteration may be permitted where it can be demonstrated that the hazards can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures as defined by the Provincial Policy Statement, new hazards are not created and existing hazards are not aggravated, no adverse environmental impacts will result and vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.

**MMAH  
Mod. No. 5**

5.8.3 Institutional uses, essential emergency services and the disposal, manufacture, treatment or storage of hazardous substances are prohibited uses in the Hazard Lands designation.

## 5.9 Other Land Uses

### 5.9.1 Institutional Facilities

5.9.1.1 Institutional uses may be permitted in any land use designation except the Floodway and Hazard Land designation, provided that they are, or can be made, compatible with surrounding uses.

### 5.9.2 Community Facilities

5.9.2.1 School and recreational facilities should be located together and combined where feasible. Where public parkland is used for school expansion, it should be replaced with additional recreational facilities.

5.9.2.2 Recreational facilities should be highly visible and easily accessed.

5.9.2.3 Pedestrian walkways should link public facilities to each other and to residential areas. Special attention will be given to developing additional pedestrian linkages to existing recreation facilities.

5.9.2.4 In this period of limited funds, cooperation with the private sector in establishing recreational facilities should be pursued. Joint use opportunities will be actively encouraged.



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- 5.9.2.5 Existing school facilities are important components of the recreation inventory and should be modified or adapted to meet a variety of community needs. New schools should be designed with joint use with other community groups as a major objective.
- 5.9.2.6 There should be a broad definition of recreation to recognize the cultural and social needs of the community. Policies should be flexible to ensure that these needs are considered in conjunction with the usual sports activities.
- 5.9.2.7 Recreation and community facilities should provide for handicapped accessibility.
- 5.9.2.8 Alternative venues should be considered for recreational facilities. Multi-use facilities should be encouraged in order to make better use of community resources.
- 5.9.2.9 Access to schools will be a major consideration when reviewing subdivision applications. Schools must be easily accessible by pedestrians and be linked by walking paths to other public facilities and services.
- 5.9.2.10 Dedication of parkland will be a key condition of development. Parkland must be of a size and in a location that satisfies the community's needs. Where suitable land is not available, cash in lieu of parkland will be taken.
- 5.9.2.11 As the population in the Township ages, more attention will have to be given to housing for the elderly. Policies promoting home-based care will allow seniors to stay in residential units as they age. To accommodate this, the following options will generally be considered:
- providing a mix of housing types on the same block;
  - permitting accessory apartments and garden suites;
  - lowering the minimum size requirement for housing units;
  - implementing alternative development standards that allow smaller setbacks and yards;
  - allowing mixed use neighbourhoods;
  - accommodating services for seniors within residential neighbourhoods;
  - locating walk-in/drive-in medical clinics, with appropriate parking, in new residential neighbourhoods; and,
  - responding to issues associated with those who are physically challenged.

## 5.10 Expansion of Boundaries

- 5.10.1 The boundaries of Minden have been expanded and have been established to accommodate growth anticipated over the next 20 years, particularly commercial development along the Highway 35 corridor.



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- 5.10.2 Expansion of the boundaries may be considered through amendments to this Plan where:
- the community is substantially developed; or,
  - additional areas are required to accommodate a particular land use.
- 5.10.3 Such expansion will be considered within the following context:
- the community will continue to generally be compact, efficient and well defined;
  - the character, focus and sense of the community will be maintained and enhanced;
  - the land is physically suitable for such development and generally does not include areas which consist of hazard lands, significant terrain constraints, environmentally sensitive or important natural features;
  - the aesthetic qualities of the community will be preserved;
  - an efficient road pattern will be maintained and established with proper access and links to any Township, County or Provincial Road; and,
  - development and re-development in the Village of Minden shall continue to be fully serviced.

## Section 6 Other Land Use designations

### 6.1 Settlement Areas

- 6.1.1 Settlement Areas in the Township of Minden Hills are shown on Schedule "A", and include:
- Carnarvon;
  - Gelert;
  - Howland;
  - Ingoldsby;
  - Irondale;
  - Lochlin;
  - Lutterworth; and,
  - Moore's Falls.
- 6.1.2 These settlement areas have been identified as nodes of existing development, and are recognized for their historical significance in the development of the Township.
- 6.1.3 Limited new development is anticipated in these areas, with the exception of Carnarvon, where the development potential is greater.
- 6.1.4 Residential and commercial uses may be permitted in these settlement areas.



6.1.5 Infill development and development on lots smaller in size than generally permitted in the rural area may be considered, so long as the development is still serviced with private, individual water and septic services.

6.1.6 Regardless of a property's identification in a settlement area, the Waterfront policies of this plan shall apply to any lot with frontage on a shoreline located within an identified settlement area.

## 6.2 Waterfront

### 6.2.1 Principles and Identification

**MMAH  
Mod. No. 6**

Waterfront areas are those properties that front on, are adjacent to, or have an influence on lakes, rivers or streams, and generally includes property within 300 metres of an accessible shoreline, as shown on Schedule "A".

### 6.2.2 Permitted Uses

6.2.2.1 The following uses may be permitted within the waterfront designation:

**OPA No. 1**

- residential uses which are limited to single detached dwellings in the form of shoreline/linear development or backlot development;
- commercial uses, limited to tourist, marina and waterfront contracting related uses;
- open space and conservation uses; or,
- waterfront landings.

**OPA No. 1**

6.2.2.2 Shoreline/linear development consists of individual residential lots which are situated in a linear fashion along the shoreline.

**OPA No. 1**

6.2.2.3 Backlot development consists of lots that are physically separated from the shoreline by a public road and a legally conveyable parcel of patented land that is developed or has development potential. Back lots are usually located in a linear fashion along a public road which is generally parallel to the shoreline, but may also be located on a road which runs perpendicular to the shore.

### 6.2.3 Servicing and Access Requirements

6.2.3.1 Development in the waterfront area will generally be serviced by private individual water and sewage systems.

6.2.3.2 Development will have frontage on and direct access from a year round maintained, public road. However, Council may permit development on shoreline/linear residential lots if it is satisfied that public road access is not available or that the cost of such access and its maintenance is unreasonable, in which case, the following access may be considered:

**OPA No. 1**

**MMAH  
Mod. No. 7**

- a seasonally maintained public road;
- a private road, with a legal right-of-way on an infill basis only or as a minor extension of an existing private road;



**OPA No. 1**

- a private road, with a condominium description (common elements condominium); or,
- water access.

**OPA No. 1**

6.2.3.3 Development of shoreline/linear residential lots with only water access will be permitted where:

- road access is not available;
- road access cannot be provided by way of an extension from an existing road in the vicinity; and,
- adequate docking and parking facilities are secured on the mainland to the satisfaction of the Township.

#### 6.2.4 Lake Carrying Capacity

All policies contained in Section 4 of this Plan generally, and Section 4.5 specifically, shall apply to any property with frontage or potential impact on a waterbody.

#### 6.2.5 Protection of the Shoreline

6.2.5.1 The shoreline activity area is the portion of a shoreline frontage of a lot located within the required setback from the shoreline where accessory shoreline structures are located and where there is access to the water for activities such as swimming or boat launching, and includes structures projecting into the water. To maintain an appropriate balance between a natural shoreline and built form within the waterfront, structures in shoreline activity areas should be focused within a defined area of the shoreline frontage and be limited in extent. Clearing should be restricted to the minimum required for access, the safety of residents and a limited view of the water. Such activity areas may be developed in more than one location on a property, where appropriate. The extent of shoreline activity areas will be considered within the following parameters:

**OPA No. 1**

- a) A maximum of 30% of the shoreline frontage or up to 15 metres, whichever is the lesser, for shoreline/linear residential development;
- b) A maximum of 30% of the shoreline frontage or up to 30 metres, whichever is the lesser, for commercial development, or waterfront landings;
- c) A maximum of 50% or up to 45 metres of the shoreline frontage for marinas.

6.2.5.2 The shoreline frontage that is within the setbacks identified in Section 4.4.2 should be retained or restored as a natural vegetative buffer, in order to:

**MMAH  
Mod. No. 8  
– modified  
by OPA 1**

- Protect the riparian and littoral zones and associated habitat;
- Prevent erosion, siltation and nutrient migration;
- Maintain shoreline character and appearance; and,



- Minimize the visual impact of development.

**OPA No. 1**

The principle of development in the vegetative buffer shall be minimal disturbance of the ground, shrub and canopy layers.

- 6.2.5.3 Within the natural vegetative buffer, meandering pathways or access points to the shoreline that are constructed of permeable material, pruning of trees for viewing purposes, or the removal of trees for safety reasons may be permitted, but should be specifically designed, and located.

**OPA No. 1**

- 6.2.5.4 A boathouse is not a permitted structure on lands in the Waterfront Area.

6.2.6 Residential Land Use Policies

- 6.2.6.1 Residential use in the waterfront designation will be restricted to single detached dwellings located on individual lots.

**OPA No. 1**

- 6.2.6.2 Residential development shall take the form of shoreline/linear development or backlot development, as defined in Section 6.2.2.

**OPA No. 1**

- 6.2.6.3 Unless otherwise specified elsewhere in this Plan, the minimum lot frontage for new lot creation shall be 60 metres (200 feet) and the minimum lot area shall be .4 hectares (1 acre) for shoreline/linear residential development.

- 6.2.6.4 Larger minimum frontages and areas may be appropriate to reflect the character of a particular lake, or to respond to the environmental constraints on a site.

- 6.2.6.5 Circumstances may occur where reduced requirements are appropriate and desirable. Variances to these standards may be considered by zoning amendment or application to the Committee of Adjustment provided the intent of the Plan is maintained and, where the land has features that compensate for the deficiencies from the requirements. Situations in which variances may be considered include a property with large frontage and a smaller lot area, or a large lot area with a somewhat reduced frontage. Increased building setbacks and landscaping measures that maintain or enhance the visual integrity of the area may be required as conditions of development in such instances.

- 6.2.6.6 Wherever possible, existing, undersized shoreline lots should be merged to create larger parcels. Development of existing undersized lots for residential use may be permitted where it has been demonstrated to the satisfaction of the Township, that the lot is suitable for development and all other applicable policies of the Plan are satisfied. Existing vacant lots of record that are below 30 metres of frontage and 1,400 square metres (15,000 square feet) in area may be considered for development subject to the processing of a zoning amendment or variance application which establishes site specific regulations. A site evaluation report may be required by the Township to confirm the suitability of the lot for development.

**OPA No. 1**



**OPA No. 1**

6.2.6.7 While backlots are located in the Waterfront, portions of such lots may be located in the Rural Area. In such instances, the provisions for backlot development continue to apply to the lot.

**OPA No. 1**

6.2.6.8 New residential backlots located within the Waterfront area shall have a minimum lot area of 4 hectares (10 acres) and a minimum lot frontage of 134 metres (440 feet) on a year round maintained public road.

In addition, all residential development (including tile fields) will be setback a minimum of 300 metres from the shoreline. Exceptions may be considered where it is not physically possible to comply with this setback, in which case, development will be setback as far as possible from the shoreline.

6.2.6.9 Where more than one dwelling exists on a property in a residential compound type situation, the existing development may be permitted, but the addition of any further dwellings on the property should not be permitted. Expansion of existing buildings or structures or the addition of accessory structures should only be permitted where the intent and principles of the plan will be addressed.

6.2.6.10 Setbacks will be implemented through zoning:

- to establish vegetative buffers for shoreline protection and the protection of habitat, wetlands or other sensitive natural areas;
- to maintain a natural area between buildings, reduce the dominance of built form, ensure compatibility, maintain privacy and attenuate noise; and,
- in the case of shoreline structures, to allow for the movement of boats to boathouses and docks while generally maintaining views and privacy between neighbouring properties.

6.2.6.11 Setbacks are utilized to attenuate phosphorus loadings from storm water as well as to maintain the natural integrity of shorelines, including fish and wildlife habitat. Setbacks are also utilized to reduce or soften the visual impact of development on a lot. Vegetation within the setback should be disturbed as little as possible, and the soil mantle should not be altered.

6.2.6.12 In general, development and site alteration should be set back a minimum of 30 metres (100 feet) from the high water mark of lakes and rivers, with the following exceptions:

**MMAH Mod.  
No. 9.a)**

- The minimum setback is 23 metres (75 feet) for buildings and structures and 30 metres (100 feet) for tile fields for a vacant lot in existence on the date of approval of this Official Plan.

This provision does not apply to docks, boathouses or other approved shoreline structures.

6.2.6.13 A lesser setback may be permitted if:



- it is not physically possible, due to terrain or lot depth features, to meet the required setback;
- in the case of redevelopment of a property, the imposition of the new setback would result in a more negative impact on the property than allowing reconstruction at the existing setback; and,
- a site evaluation report in support of the request to reduce the setback is submitted, to the satisfaction of the Township.

6.2.6.14 Major development proposals (i.e. multi-lot plan of subdivision) within 300 metres of a waterbody, other than highly sensitive lake trout lakes which are regulated under Section 4.5 of this plan, will require a lake impact assessment to determine if the lake can accommodate development without adversely affecting water quality.

**MMAH Mod.  
No. 9.b)**

## 6.2.7 Commercial Land Use Policies

6.2.7.1 Waterfront commercial uses include:

- tourist commercial uses, which include resort and service commercial uses, and private and public children's camps;
- marinas, which are facilities, buildings and structures located on the shoreline which provide docking, mooring, sales, service, repair and storage of boats; and,
- waterfront contracting operations, located on the shoreline which provide construction, building and barging services to the waterfront community.

6.2.7.2 The continued operation, upgrading, expansion and redevelopment of existing commercial properties within the waterfront will be encouraged and facilitated.

6.2.7.3 Appropriate limits for the upgrading, expansion or redevelopment of each existing waterfront commercial use will be established by zoning for individual sites. Such limits will ensure that:

- the location, size, characteristics and capacity of the property will be addressed;
- any increased density of development or intensity of use (such as buildings, structures and facilities, floor area, rooms, boat slips, lot coverage, recreational and leisure facilities) will be appropriate for the site;
- adequate access and services, including water supply and waste disposal, will be available;
- compatibility with surrounding properties will be addressed; and,
- the phasing of development can be accommodated, where appropriate.



6.2.7.4 Since the location and impact of new commercial activities cannot be anticipated, new waterfront commercial uses will proceed by amendment to this Plan. Such an amendment should also establish policies to guide the scale, size and density of development, and recognize and respond to the characteristics and capacity of the particular site. At a minimum, the consideration of a new waterfront commercial use through the amendment process will ensure:

- the intent of the plan will be maintained;
- the site is suitable for the use proposed (appropriate density, intensity of use, location of buildings and structures, and type of facilities);
- the water frontage is adequate and suitable for the use proposed;
- adequate potable water and sewage disposal can be provided;
- access routes are appropriate or can be upgraded to accommodate the additional traffic; and,
- the proposal will be made compatible with surrounding properties.

6.2.7.5 Waterfront commercial uses, particularly resort commercial and institutional accommodation, should incorporate substantial active and passive open space areas, and integrated recreational facilities.

6.2.7.6 All waterfront commercial development will be subject to site plan control.

6.2.7.7 Special Provision (Hunter Creek Inn)

- In Part of Lot 5, Concession 14, geographic township of Lutterworth (Hunter Creek Inn), in addition to the permitted shoreline residential uses a recreation commercial establishment is permitted, with access from an existing private road, provided such use is in accordance with the provisions of the appropriate zone (currently C2-11). Any development beyond that permitted shall require an Official Plan Amendment.

## 6.2.8 Open Space and Conservation Uses

6.2.8.1 Open space and conservation uses are encouraged throughout the Waterfront designation. The predominant use of lands shall be for passive and active recreation and conservation purposes.

6.2.8.2 Permitted uses shall include public parks and access areas for hiking, picnicking, cross-country skiing, snowmobiling, angling, or other similar outdoor recreational activities. Conservation areas including nature study and wilderness areas and private parks (exclusive of campgrounds, trailer parks, or golf courses).

6.2.8.3 Only those buildings and structures incidental to the principal permitted recreational uses shall be permitted.



- 6.2.8.4 Recreational uses shall be compatible with adjacent land uses and, where necessary, such facilities shall be designed in such a manner so as to provide adequate spatial separation, buffering, landscaping and/or fencing to ensure that any adverse effects associated with such uses are minimized.
- 6.2.8.5 Open Space areas may be zoned in a separate classification in the implementing by-law where suitable regulations and provisions are established to govern the use and development of such lands.

#### 6.2.9 Waterfront Landings

6.2.9.1 Waterfront landings and individual access points are facilities which provide mainland docking and parking facilities required for water access properties. These facilities are generally considered to be accessory to a primary residential or waterfront commercial use. Waterfront landings and individual access points will not include facilities normally associated with a commercial marina use, such as vessel or vehicle sales or rental, fuel storage or sale, or extensive storage structures.

6.2.9.2 Waterfront landings and individual access points may be permitted or expanded provided the following matters are addressed and implemented through zoning, site plan, or other municipal agreements:

- the property has adequate area and frontage to accommodate the facility;
- sufficient docking and parking facilities will be provided to serve the primary residential use;
- the property, particularly the shoreline, is suitable for the use;
- access to and from the facility by both water and land is suitable;
- the facility will not have a negative impact on environmentally sensitive areas, habitat, or heritage areas;
- the facility will be designed in a manner that is compatible with abutting properties;
- parking facilities will be setback at least 30 metres (100 feet) from the normal or controlled high water mark and a natural vegetative buffer will be maintained within the setback area; and,
- storm water management and construction mitigation is addressed.

6.2.9.3 New waterfront landings and individual access points will be secured through ownership or a registered right of way.

6.2.9.4 The establishment or expansion of a waterfront landing will be subject to site plan control.

#### 6.2.10 Lake Plans and Strategies

6.2.10.1 Specific lake plans may be prepared for individual lakes in order to identify, reflect and respond to the character and physical capabilities of an individual waterbody and shoreline community.



- 6.2.10.2 Specific lake plans will be added as appendices to this Plan when they are completed, and will be implemented as amendments to this Plan.
- 6.2.10.3 Specific lake plans will identify the limits to development on that particular lake based on various factors including recreational carrying capacity. Recreational carrying capacity refers to the point at which the shoreline facilities, and the recreational activities which they generate, are in balance with the ability of the waterbody to withstand the impact.
- 6.2.10.4 The following should be identified and addressed in a specific lake plan:
- location in relation to the watershed;
  - drainage basin and related watercourses;
  - size and shape of the lake;
  - distinct areas or neighbourhoods on larger lakes;
  - number and location of islands and narrow water bodies;
  - topography, landscape, shoreline features and hazards;
  - shoreline constraints and influences;
  - natural heritage and habitat;
  - allocation of water quality capacity;
  - cultural heritage, built heritage, and historic development;
  - existing land uses;
  - access;
  - open space, recreation areas and trails;
  - natural areas and landscape features to be preserved;
  - definition of character to be preserved; and,
  - specific policies and standards for development.

### 6.3 Rural

#### 6.3.1 Principles and Identification

- 6.3.1.1 The Rural designation applies a substantial portion of the land in the Township and generally includes all lands that are not designated Settlement Area, Waterfront or Wilderness.
- 6.3.1.2 The preservation and promotion of the rural character of the Township and the maintenance of the open countryside are basic principles applicable to all development in the Rural designation.
- 6.3.1.3 To reinforce the impression of an open and natural landscape, the development pattern will continue to be characterized by large wide lots with varying setbacks.



6.3.1.4 The dominant consideration in addressing Rural development proposals will be the impact on the rural character of the Township. Preservation of the open, natural appearance of the countryside will be a priority. To achieve this, a traditional, low density, dispersed development pattern will be encouraged.

### 6.3.2 Permitted Uses

6.3.2.1 Permitted uses include:

- a single detached dwelling;
- a semi-detached or duplex dwelling;
- a hunt camp;
- accessory businesses including home occupations, home industries, and bed and breakfast establishments;
- agricultural uses;
- forestry uses;
- existing extractive operations;
- kennels;
- resource management uses; and,
- uses in connection with government utilities or departments.

6.3.2.2 Certain other uses may be appropriate on land in the Rural designation, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on a site-by-site basis. Uses such as major recreation uses, commercial and industrial ventures, institutional developments, or resource based operations, may be allowed by site specific zoning amendment, but will not require an amendment to this Plan so long as the general intent of the Plan is maintained.

### 6.3.3 Development Policies

6.3.3.1 Lot areas and frontages will be sufficient to retain the traditional development pattern and character of the area in which the development is proposed. In this regard, the following provisions apply:

- lot frontages will not be less than 60 metres (200 feet) nor lot areas less than 1 hectare (2.5 acres); and,
- a variety of larger lot areas and frontages will be encouraged in any development proposal to enhance the rural character of the Township.

6.3.3.2 Variable setbacks, rights-of-way, larger or smaller frontages, and/or limits to building heights or building envelopes, may be implemented through the Zoning By-law, in order to further the rural design principles of this Plan.

6.3.3.3 In general, applications for new lot creation will be subject to the following criteria:



- a maximum of 4 lots (including severed and retained parcels) may be created per original 40 hectare (100 acre) parcel, provided that the average lot area is 10 hectares (25 acres), the average lot frontage is 100 metres (330 feet) and the minimum lot area is not less than 1 hectare (2.5 acre)s;
- on parcels of land that are smaller than 40 hectares (100 acres), the maximum number of lots created shall be determined on the basis of an average lot area of 10 hectares (25 acres) and an average lot frontage of 100 metres (330 feet);
- lots may be considered on smaller parcels of land provided the lot frontage is not less than the average frontage of lots on the same side of the road as the proposal; and,
- any lot in existence at the time of the passage of this By-law that fronts on a year round municipally maintained road may be severed at least once, so long as minimum frontages and areas can be met.

6.3.3.4 Lot creation should incorporate the following design considerations:

- any new lot shall have frontage on a publicly owned and publicly year round maintained road;
- the lots will maintain the character of the area in which they are being developed;
- the physical features of the property will be maintained and major earth moving projects will be discouraged;
- if the property subject to a consent application is located partially or completely within a Natural Feature area shown on Schedules “B” and “B-A”, or in another natural feature discussed in Section 4, specific measures may be required to protect the natural feature(s) on, or in the vicinity of, the site;
- the lots shall have sufficient area to accommodate an on-site sewage disposal system and a potable water supply;
- entrances shall not create a traffic hazard; and,
- the appearance of a continuous row of residential development will be discouraged.

6.3.3.5 When residential severances are proposed, zoning amendment, subdivision, consent, and site plan control processes may be used to ensure that the proposed development is in keeping with the rural character of the area.

6.3.3.6 Accessory home businesses are expected to occur either as home occupations or home industries, as defined in the Zoning By-law. Such uses may be recognized where they would be at a scale consistent with existing uses, and where there would be no nuisance effects on surrounding properties, no significant environmental impacts, and no significant increase in traffic. Site plan control may be used in cases where a home business is to be recognized by Council.



### 6.3.4 Agricultural Land Uses

- 6.3.4.1 Agriculture is recognized as a traditional rural use which contributes to the character and landscape of the rural designation. For the purpose of this Plan, agriculture is considered in a broad sense, and includes traditional agricultural uses as well as specialized or alternative operations such as maple sugar operations or hobby farms.
- 6.3.4.2 The preservation of existing agricultural uses will be supported, and sensitive uses should not be permitted adjacent to existing agricultural operations unless potential impacts can be mitigated.
- 6.3.4.3 New agricultural operations will be encouraged in the rural area where:
- they are on a parcel of land which is of sufficient size; and,
  - environmentally sensitive areas and heritage areas will be protected;
- 6.3.4.4 New land uses and lots, and new or expanded livestock operations will comply with the Provincial minimum distance separation formulae.
- 6.3.4.5 Agricultural lots will be of sufficient size to:
- accommodate the agricultural use proposed;
  - avoid negative impacts on the environment; and,
  - avoid negative impacts on ground and surface water quality.
- 6.3.4.6 Adequate setbacks and buffers will be maintained on agricultural properties along property lines, to ensure compatibility with abutting uses.

### 6.3.5 Nutrient Management

- 6.3.5.1 The Township will encourage the management of materials containing nutrients in ways that will enhance the protection of the natural environment and provide a sustainable future for agricultural operations and rural development.

### 6.3.6 Rural Residential

- 6.3.6.1 Rural Residential development is considered to be single detached dwellings serviced with individual water and septic services, located on large lots which front on existing publicly owned and year round maintained roads.
- 6.3.6.2 Rural Residential development should be directed to areas where residential development exists and would be compatible, and should not be located in remote, undeveloped areas, or in close proximity to:
- existing or known mineral or aggregate deposits;
  - aggregate or other resource related industry or activity;
  - incompatible rural industries or businesses;



- farm operations where a land use conflict would result;
- incompatible public uses or facilities;
- hazards or development constraints; or
- areas of natural features including heritage areas, wetlands, fish or wildlife habitat.

### 6.3.7 Rural Business

6.3.7.1 Rural business includes commercial and industrial uses that are:

- resource related;
- related to outdoor recreation;
- space extensive and would not be appropriate in a settlement designation; or,
- functionally related to, or serving, the rural area.

6.3.7.2 Examples of commercial and industrial ventures that may be appropriate in the Rural area include saw mills, fuel wood operations, garden centres, private ski trails, contractors, or boat storage, so long as Council can be satisfied that:

- the proposed use is compatible with the character of the area;
- adequate water, sewer, parking, loading facilities and landscaping can be provided on site;
- the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties; and,
- the proposed use is accessed by a publicly owned and maintained year round road that can accommodate the traffic generated by the proposed development.

6.3.7.3 Tourist commercial establishments, including resort commercial establishments, and institutional accommodation or centres may be permitted in the Rural designation by way of a zoning amendment in order to address specific location, development and access concerns.

6.3.7.4 Large scale uses not normally found in the rural area will only be permitted by amendment to this Plan, in order to address specific location, impact, and development guideline concerns.

6.3.7.5 Other commercial, industrial and institutional uses should be directed to the Village of Minden and other settlement areas.

### 6.3.8 Mobile Homes and Mobile Home Parks

6.3.8.1 In providing for an adequate supply of housing by type and tenure, the development of mobile home parks as an alternative to traditional forms of housing may be considered in appropriate locations.



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- 6.3.8.2 Development of new mobile home parks or a major expansion of existing facilities shall require an amendment to this Plan.
  - 6.3.8.3 Mobile home parks shall generally be developed, owned and operated as a single unit. Ownership and maintenance of internal roads, services, common elements, open space areas and buildings shall be the responsibility of the owner/operator.
  - 6.3.8.4 The development of mobile home dwellings on individual lots dispersed throughout the Municipality will not be permitted.
  - 6.3.8.5 The provision and maintenance of on-site facilities and services shall be addressed in a site plan agreement between the Township and the owner.
  - 6.3.8.6 Where development is permitted on the basis of communal water and sewage works, the developer shall be responsible for the installation of such works and the payment of monies into a Trust Fund established with a Corporation registered under the Loan and Corporations Trust Act, which Trust Fund is established to the satisfaction of both the Township and the Ministry of the Environment to provide for the long term maintenance and/or replacement of the communal services. Development shall not be permitted on communal services if assumption and maintenance of the communal services will have a detrimental effect upon the finances of the Township.
  - 6.3.8.7 Regard shall be had for the natural features and physical characteristics of the site in order to minimize any environmental impacts.
  - 6.3.8.8 In areas where the existing topography or vegetative cover affords only limited protection from adjacent boundary roads, tree screening and earthen berms may be required to supplement existing tree cover so as to buffer the proposed mobile home park development from traffic on boundary roads. The means of buffering shall be undertaken with a view to creating privacy and preventing the development from becoming a visually dominant element in the rural landscape.
  - 6.3.8.9 Where it is demonstrated that the development of a mobile home park will result in a need to upgrade local roads or require the extension of any other service by the Municipality, the application shall be considered premature unless the proponent is prepared to undertake the construction of such public works to the satisfaction of, and at no cost to, the Municipality.
  - 6.3.8.10 Adequate off street parking facilities shall be provided for all permitted uses, and access points to and from a mobile home park development shall be limited in number and designed in a manner that will minimize danger to both vehicular and pedestrian traffic.
  - 6.3.8.11 Mobile home parks shall be zoned in a separate zoning classification in the implementing zoning by-law, with suitable provisions and regulations prescribed to govern the future development and use of lands.



### 6.3.9 Other Land Uses (Public and Institutional Land Uses)

6.3.9.1 In considering the establishment of new institutional or public uses, council shall have regard for the following matters in assessing the appropriateness of the location:

- that the proposal is of a scale which may be integrated with the established character of the area;
- that the use is compatible with adjacent land uses and natural features; and,
- that the proposal is accessible from a road that is both publicly owned and publicly maintained on a year round basis.

### 6.4 Wilderness

6.4.1 This designation applies to all lands in the Township that are owned by the Crown.

6.4.2 While it is recognized that the regulation of Crown lands is outside the jurisdiction of the municipality, the provisions of this Plan are intended to facilitate the utilization of fish, wildlife, minerals and vegetation for economic purposes while ensuring that the quality of the natural environment is maintained, and to facilitate the orderly development and conservation of land and water resources.

6.4.3 The Township supports the development of Crown land for Provincial Parks and Conservation Reserves, to increase the wilderness recreational opportunities available to the residents and visitors of the Township.

6.4.4 The objectives and policies of the Plan for these areas are based on the land-use guidelines of the Ministry of Natural Resources, including Ontario's Living Legacy, Land Use Strategy 1999.

6.4.5 The provision of outdoor recreation opportunities and the development of resources for the social and economic benefit of residents and visitors shall be encouraged on lands designated as "Wilderness".

### 6.5 Mineral Aggregate Resources

6.5.1 Mineral Aggregate Resources represent a limited non-renewable resource in the Township. The importance of these resources is recognized.

6.5.2 Local and regional needs for mineral aggregate should be met with minimal disturbance to the social and natural environment.

6.5.3 Mineral aggregate extraction and associated uses are permitted uses within the areas designated "Mineral Aggregate" on Schedule "A". This designation identifies areas where mineral aggregate extraction is presently carried out and includes known public or private pits or quarries where extraction or harvesting has occurred in the last ten (10) years. Schedule "B" identifies areas where mineral aggregate deposits may exist and have the potential to supply aggregate demand in the future.



6.5.4 All extraction operations should be undertaken in a manner that minimizes impacts on the physical environment and adjacent land uses, after issues of public health, public safety and environmental impact have been addressed.

6.5.5 Applications to designate or zone lands as Mineral Aggregate Resources shall provide the following information for consideration by the Township:

OPA No. 1

- a) Information required pursuant to the Aggregate Resources Act;
- b) Effect on the natural environment;
- c) A rehabilitation plan;
- d) A site development plan which includes the following information:
  - i. True shape, topography, contours, dimensions, size and location of the property to be rezoned as well as the extent of adjacent property held for future pit or quarry operations;
  - ii. The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
  - iii. Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks;
  - iv. Drainage provisions;
  - v. All entrances and exits;
  - vi. As far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation, and where possible intended use of the land after the extractive operations have ceased; and
  - vii. Cross-sections through the deposit.
- e) The haulage routes proposed to and from the site and the traffic volumes anticipated.
- f) The effect of the operation on nearby communities and land uses.
- g) Any related planning and land use consideration.

6.5.6 When considering a rezoning to permit the establishment of a new extractive operation, the Township shall require that:

OPA No. 1

- a) Extractive operations be generally restricted to areas not exposed to the public;
- b) Excavation of sand and gravel shall be a minimum 120 metres from the property line of lands designated or used for residential use;
- c) Extraction of sand and gravel shall be setback up to 120 metres from lands designated for uses other than residential at the discretion of the Township;
- d) Extraction of quarry stone or the processing of sand, gravel or stone shall be setback a minimum of 200 metres from the property line of lands designated for residential use;



- e) Extraction of quarry stone or the processing of sand, gravel or stone shall be setback up to 200 metres from the property line of lands designated for uses other than residential;
- f) No excavations shall take place within 30 metres of a right-of-way, a stream or the edge of a Provincially Significant Wetland or other significant natural feature and within 15 metres of a property line.

6.5.7 All pit and quarry uses must satisfy the requirements of the Ministry of the Environment related to water supply and disposal of liquid waste. The taking of water in any pit or quarry of more than 50,000 litres per day requires a Permit to Take Water from the Ministry of the Environment. Noise and vibration levels of quarry operations including blasting, shall conform to the requirements Aggregate Resources of Ontario Provincial Standards (1997) document issued by the Ministry of Natural Resources. Equipment related to aggregate extraction may require a Certificate of Approval from the Ministry of Environment.

**OPA No. 1**

6.5.8 A noise or compatibility study shall be required to assess the impact of a sensitive land use that is proposed within 500 metres of a quarry, within 300 metres of a pit below the water table, or within 150 metres of a pit above the water table.

**OPA No. 1**

6.5.9 The Township, in consultation with Ministry of Natural Resources, may permit other land uses or developments in areas with aggregate resource potential as shown on Schedules "B" and "B-A" without amendment to this Plan provided that:

- extraction of the aggregate is not feasible;
- the proposed land use or development serves a greater long term interest of the general public than aggregate extraction;
- the proposed land use or development would not significantly preclude or hinder future extraction; and,
- issues of public health, public safety and environmental impact are addressed.

## 6.6 Mineral Resources

6.6.1 It is the intent of Council to work with the Ministry of Northern Development and Mines (MNDM) to obtain information regarding mineral resources, to identify areas of mineral potential and abandoned mine sites.

**MMAH  
Mod. No. 10**

6.6.2 For the purpose of this official plan, Mining is understood to include above and below ground work, pits and quarries used for mineral extraction, as well as associated processing, transportation, waste and tailing storage, and directly related activities. Mining excludes pits and quarries used for aggregate extractions as part of the aggregate policies.

6.6.3 Mineral exploration and mine development will be encouraged through the identification of mineral deposits and areas of mineral potential as "Areas of Mining Potential" on Schedule "A" once this information becomes available.

6.6.4 Mining and related activities will only be permitted outside of identified settlement areas. The compatibility of mining activities with surrounding land use



designations will determine the specific nature of permitted mining and mining related activities.

- 6.6.5 The establishment of mining related activities shall be subject to the approval of MNM under the Mining Act and the Environmental Protection Act and will require an amendment to the Official Plan and Zoning By-law.
- 6.6.6 An influence area will be used as a means of protecting existing land uses in the vicinity of proposed mining operations from a land use conflict and reciprocally to protect Areas of Mining Potential and mining operations from the encroachment of incompatible land uses. Development may be permitted in the influence area only where the impacts of mining operations can be properly mitigated. The influence areas shall be 1,000 metres (3,280 feet). The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of Environment and may be done without an amendment of this plan.
- 6.6.7 Known abandoned mine sites, have been identified on Schedule 'A' as a Mining Hazard. Proposals for development on or adjacent to these sites shall be prohibited until the nature and extent of any hazards have been mitigated based on a technical report prepared by a qualified professional and approved by MNM.

## 6.7 Waste Management

- 6.7.1 All waste management sites operating in the Township, whether publicly or privately owned, shall be operated in a manner that safeguards the environment and protects nearby residents and sensitive land uses from undue impact. No residential use is permitted in conjunction with a licensed waste management site.

**MMAH Mod.  
No. 11.a)**

- 6.7.2 The Township of Minden Hills will continue to use the existing waste disposal sites, designated Waste Management Industrial on Schedule "A". Arrangements for the disposal of solid wastes will be reviewed, from time to time, by Council.
- 6.7.3 All operating waste management sites shall be covered by a current Certificate of Approval issued by the Ministry of Environment under the provisions of the Environmental Protection Act.

- 6.7.4 The establishment of new waste disposal or waste treatment facilities including landfill or recycling facilities, salvage yards, sewage lagoons, or sites used for the disposal of wastes from septic or holding tanks, shall require an amendment to the Official Plan, in order to address feasibility, site suitability, traffic, and haul routes, and to assess impacts. No such facility will be located within 500 metres of development other than compatible uses, such as an aggregate operation, a forestry use or a suitable industrial use, after the evaluation of the presence and impact of any adverse effects or risks to health and safety and the identification of any necessary remedial measures has been completed.

**MMAH Mod.  
No. 11.b)**

- 6.7.5 If a new waste management site is proposed to be opened in the Township, an amendment to this Plan will be required. The proponent will be required to submit complete documentation to support the proposal prior to the application being considered by Council.



- 6.7.6 No reuse of a closed waste disposal site or a site used for the disposal of wastes may be undertaken for a period of 25 years without the consent of the Ministry of the Environment under the Environmental Protection Act, the Ontario Water Resources Act and the Environmental Assessment Act.

## Section 7 General Policies

### 7.1 Bed and Breakfast Establishments

- 7.1.1 Bed and breakfast establishments may be permitted as an accessory use within a single detached dwelling provided that:
- the physical character of the dwelling is not substantially altered;
  - the use does not have a negative impact on the privacy and enjoyment of neighbouring properties;
  - the number of rooms available for rent does not exceed three (3); and,
  - adequate water, sewage disposal, parking facilities and access are provided on the site.
- 7.1.2 The Zoning By-law shall further define a bed and breakfast use and contain other appropriate provisions.

### 7.2 Community Improvement

- 7.2.1 Community Improvement Policies are intended to establish a co-ordinated approach and commitment to the on-going maintenance and upgrading of the established community structure within the context of the problems, priorities and financial resources of the Township.
- 7.2.2 The Village of Minden and the Settlement Areas of Carnarvon, Ingoldsby and Moore's Falls have been identified as community improvement areas for the purposes of carrying out improvements as identified under Section 28 of the Planning Act, based on the following criteria:

#### 7.2.2.1 Residential

- areas with significant and widespread deteriorated housing conditions;
- areas with deficient municipal services such as sidewalks, street lighting, paved roads, parkland or similar facilities; or,
- areas with non-residential incompatible uses.

#### 7.2.2.2 Commercial

- areas with physical deterioration or vacancy of stores and offices; or,
- areas with deficient municipal services such as sidewalks, street lighting, paved roads, parkland or similar facilities.



7.2.2.3 Industrial

- areas with physical deterioration of vacant industrial lands or buildings; or,
- areas with deficient municipal services such as sidewalks, street lighting, paved roads, parkland or similar facilities.

7.2.2.4 Recreational, Institutional, Cultural

- areas with inadequate, substandard or non-existent recreational, institutional or cultural facilities.

7.2.3 Improvements shall proceed in a logical manner without creating unnecessary hardship for area residents and/or businesses.

7.2.4 Community improvements may be encouraged or undertaken by the Council through any of the following means:

- the designation of community improvement project areas;
- the preparation of community improvement plans;
- the acquisition of land;
- approval and enforcement of a property standards by-law;
- utilization of public funds through municipal, provincial and federal funding programmes;
- the use of private funds from individuals or organizations;
- encouragement of rehabilitation; and,
- application of the Ontario Heritage Act to designate historic buildings or districts.

7.3 Cultural and Heritage Building Conservation and Archaeological Resources

7.3.1 The Ontario Heritage Act provides the framework for the conservation of cultural, heritage and archaeological resources within communities in Ontario. The Heritage Act may be used to conserve, protect and enhance the cultural heritage in the municipality through the designation, by by-law, of individual properties, conservation districts, heritage areas, and archaeological sites. A Municipal Heritage Committee may also be established pursuant to the Heritage Act to advise and assist Council on conservation matters related to cultural heritage resources.

**MMAH Mod.  
No. 12.a)**

7.3.2 The Township's heritage and archaeological resources should be conserved and enhanced wherever practical. Heritage resources include archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, heritage landscapes, and areas of historic and scenic interest.

7.3.3 The Township recognizes that there may be archaeological remnants of prehistoric and early historic habitation within the Township, as well as areas exhibiting archaeological potential. Council may, in cooperation with the Ministry of Culture and the Ministry of Consumer and Business Services, require

**MMAH Mod.  
No. 12.b)**



archaeological impact assessments, surveys and/or the preservation on-site, or rescue excavation of, significant archaeological resources by archaeologists licensed under the Heritage Act, that might be affected by any future development.

7.3.4 Council may maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the Planning Act, to prohibit any land use activities or the erection of buildings or structures on land which has been identified as a site of significant archaeological resources.

7.3.5 Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services when an identified marked or unmarked cemetery is affected by land use development. The provisions under both the Cemeteries Act and the Heritage Act shall apply where appropriate.

7.3.6 Council will have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

7.3.7 Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of provincial screening criteria, or qualified mapping developed based on the known archaeological records within the Township. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, any locally known significant heritage areas such as portage routes or other places of past human settlement.

**MMAH Mod.  
No. 12.c)**

7.3.8 Council may choose to maintain a cultural heritage resource database for land use planning purposes, resulting in inventories of any significant provincial registered archaeological sites, mapped archaeological potential areas, heritage buildings, heritage districts and/or cultural heritage landscapes located within the Township.

**MMAH Mod.  
No. 12.c)**

#### 7.4 Energy Conservation and Reduction of Light Pollution

7.4.1 The wise management and conservation of energy resources can be promoted by the Township through various activities. The Township will encourage the use of an orderly and compact urban development pattern that can minimize the need for automobile trips.

7.4.2 The Township may investigate ways in which the Zoning Bylaw and subdivision and development standards can be modified to encourage energy conservation and reduce light glare.

7.4.3 The use of alternative energy sources, the use of landscaping and building orientation to reduce energy costs, and methods of lighting that limit the amount of light directed or escaping towards the sky and reduce ambient night lighting, will be encouraged in the design of new and redeveloped residential and non-residential facilities in the Township.



## 7.5 Group Homes

- 7.5.1 Group homes may be permitted in all designations that permit residential development, subject to the provisions of the Zoning By-law. The Zoning By-law may differentiate between open custody and closed custody group homes, and shall establish location and size criteria for group homes.
- 7.5.2 In general, a group home shall be a licensed single housekeeping unit with residents who, by reason of emotional, mental, social, physical or other conditions, require a group living arrangement. The group home should complement and fit in with the character of the surrounding residential community, and may provide accommodation for up to six (6) residents at any one time.

## 7.6 Home Occupations and Industries

- 7.6.1 Home businesses are an increasingly important component of the local economy. Privately operated legal businesses may be permitted as a secondary use in residential dwellings (home occupation) and accessory buildings (home industry), provided they maintain the integrity and character of the neighbourhood, are compatible with surrounding uses, and will not have a negative impact on highway corridors.
- 7.6.2 The Zoning By-law may incorporate standards for home occupations and industries by:
- identification of the zones which shall permit or regulate various forms of home occupation or home industry;
  - restrictions on the number of people who may be employed in the home occupation or industry;
  - limiting maximum floor area of the business;
  - requiring continuation of the residential appearance of the building;
  - regulating signs; and,
  - parking standards.
- 7.6.3 The standards will take into consideration the adequacy of lot size, on-site services and separation distances to ensure compatibility with adjacent land uses.

## 7.7 Hunt Camps

- 7.7.1 Hunt camps, which are used only as a temporary base for hunting or trapping activities, may be permitted within the Rural designation. A hunt camp shall not be required to front on a public road and may be serviced by any type of sewage disposal system approvable under the Building Code Act.
- 7.7.2 The policies of this Plan are not binding on undertakings carried out on Crown Land by the Crown or its agents, but the policies of this Plan will be binding on any lands that cease to be Crown lands. Council will encourage all levels of government to have regard to the policies of the Plan wherever possible, and will



recognize existing hunt camps on lots that do not meet the size requirements of these policies.

## 7.8 Municipal Road Allowances

- 7.8.1 Development of any kind on a Township road allowance will not be permitted, without the approval of the Township.
- 7.8.2 The occupation of a road allowance may be authorized for an abutting land owner, where the Township does not have an immediate use for that road allowance, or portion thereof, and such occupation would not interfere with municipal or public use of the road allowance.
- 7.8.3 Original shoreline road allowances may be closed, and the portion of the road allowance above the normal high water mark conveyed to the abutting owners provided that:
- it has no present or potential use as a public waterfront area, harbour, beach, trail, portage, public access to the water, public travel, or any other municipal purpose;
  - it does not include or affect a significant sensitive environmental, natural, or heritage area, which should be retained by the municipality for protection; and,
  - it does not contain significant historical or cultural features, which should be retained the site.
- 7.8.4 The conveyance of shoreline road allowances may be considered in order to correct existing building encroachments.
- 7.8.5 Road allowances leading to water should not be closed and conveyed to abutting owners, and will not be conveyed to abutting owners where they would represent the only existing public land providing access to a waterbody, unless a comparable or better parcel located in the vicinity is provided in exchange, and such an exchange would be advantageous to the Township and in the public interest.
- 7.8.6 Where an existing building encroaches on a road allowance leading to water, a lease may be granted for an amount of time to be specified by the Township and no further encroachment or enlargement should be permitted.

## 7.9 Parkland Dedication & Recreational Trails

- 7.9.1 In considering land division, the Township may require an applicant to dedicate a portion of the gross area being developed for the provision of public open space other than roads or to facilitate recreational trail connections. Alternately, the Township may require a payment of cash in lieu of parkland as per Section 51.1 of the Planning Act.
- 7.9.2 Parkland dedication requirements will be established in a Municipal By-law, for lands not developed at the time of passage of this Plan.



- 7.9.3 Recreational trails play a role in the health and economy of the community. Through development applications reviewed in accordance with the policies of this Plan, Council will encourage the maintenance of existing, and the establishment of new, public recreational trails which diversify year-round recreational opportunities in the Township and preserve the natural environment.
- 7.9.4 Recreational trails will be permitted in all land use designations except where the creation of such a trail would be detrimental to an identified natural feature or function.

#### 7.10 Portages

- 7.10.1 Existing portages shall be protected from incompatible uses. Development on sites adjacent to portages shall be setback a sufficient distance to ensure that there is no conflict between the portage uses and the abutting uses.

#### 7.11 Wayside Pits and Quarries, Portable Asphalt Plants

- 7.11.1 A wayside pit or wayside quarry means a temporary pit or quarry opened and used by or for a public authority or its agent, solely for the purpose of a particular project or contract of road construction. A portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is designed to be dismantled and moved to another location as required.
- 7.11.2 Wayside pits, wayside quarries and portable asphalt plants are permitted throughout the Township without an amendment to this Plan or the Zoning By-law, except in areas of existing development or environmental concern.
- 7.11.3 Plans submitted by applicants for wayside pits, wayside quarries, or portable asphalt plants will be reviewed by the appropriate Provincial agencies, and the anticipated time frame for the proposed use will be made available to the public.
- 7.11.4 Discontinued sites will be rehabilitated back to their former use, and any physical plant shall be removed from the site upon completion of the public project. An inspection and report, prepared to the satisfaction of the Township, will be required to ensure that the property has been appropriately rehabilitated.

## Section 8 Services and Utilities

- 8.1 Water and sewage disposal services in the Township are currently provided on a private basis, with the exception of the Village of Minden. It is recognized that development in non-urban land use designations will occur, in most cases, on the basis of individual water and sewage systems.
- 8.2 Public utility authorities may be permitted to locate all work defined by Provincial Statute in any land use designation provided the use meets the appropriate requirements of the Zoning By-law and conforms to this Official Plan. Such works include roads, buildings, structures or utilities.



- 8.3 Public services and utilities will be planned and implemented in accordance with the requirements of the Environmental Assessment Act. The Township shall be advised of plans for new public works before any applications for permits are approved.
- 8.4 Contaminated sites may be placed in a Holding Zone, which may be removed when the site has been acceptably decommissioned or cleaned up, in accordance with the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, to the satisfaction of the Township, as required by a site remediation plan and subject to the submission of a Provincially recognized Record of Site Condition.

## Section 9 Transportation – Roads

### 9.1 General

- 9.1.1 In planning for the development of a well defined network of local roads, the Township of Minden Hills should ensure that decisions concerning the extension of existing roads or the construction of new roads, is in harmony with the system of Provincial Highways, County Roads, and the road network in adjoining municipalities, both existing and proposed.

### 9.2 Functional Classification of Roads

- 9.2.1 Roads within the Township of Minden Hills are classified according to their predominant functions.
  - 9.2.1.1 Provincial Highways, by virtue of their location and physical characteristics are existing or proposed roads which are designed to facilitate the through movement of large volumes of traffic to and from major traffic generating sectors at relatively high operating speeds. To facilitate this function, access to abutting properties should be restricted. Access to Highway 35, as well as development adjacent to the highway and/or located within the area of permit control, is subject to the safety and geometric requirements of the Ministry of Transportation. Permits shall be obtained from the Ministry of Transportation prior to any grading and/or construction taking place.
  - 9.2.1.2 County Roads are existing or proposed roads, under the jurisdiction of the County of Haliburton, which function as strategic links in the overall road network. County Roads are to be designed to facilitate the movement of relatively high volumes of local and through traffic at moderate operating speeds, between Provincial Highways, County Roads and Township Roads. Access to abutting properties should be limited, particularly in areas of new development. The design right-of-way width will vary from 26 to 36 metres.
  - 9.2.1.3 Township Roads are existing or proposed roads, under the jurisdiction of the Municipality, consisting of two traffic lanes within a standard right-of-way width of 20 metres. Township Roads are intended to facilitate local traffic movement at relatively low operating speeds, and access to adjacent properties.



9.2.1.4 Private roads are any roads that are not publicly owned and publicly maintained on a year round basis.

## 9.2.2 Policies

9.2.2.1 Where additional land is required for widenings, extensions and intersection improvements, such land shall be obtained, wherever possible, in the course of approving plans of subdivision, site plans, and/or consents, in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P. 13, as amended. Right-of-way widths and geometric design standards shall be determined by the Province, the County or the Township, in consultation with the Ministry of Transportation.

9.2.2.2 Except as otherwise noted in this plan, no land shall be developed for commercial, industrial, recreational, institutional or community facility purposes unless such lands are accessible by means of an improved public road, which is maintained year round, and, which is of an acceptable standard of construction to accommodate the traffic to be generated by the new development and/or redevelopment.

9.2.2.3 Council shall give consideration to the preparation of a Municipal Roads Needs Study. Such a study should include an examination and analysis of municipal roads to determine existing road conditions and, where deficiencies are identified, the expenditures necessary to improve and upgrade municipal roads to an acceptable level. Such a study should establish a priority of needs for such works.

9.2.2.4 As a condition to the approval of a site plan, as part of the review and consideration of an application to amend this Plan, or the implementing zoning by-law, or, as part of an application for draft approval of a proposed plan of subdivision or plan of condominium, Council may require a traffic impact analysis to determine the adequacy of the existing and/or proposed road network adjacent to the site and to determine the nature and extent of any improvements that may be required to the existing road system to facilitate the development of the lands.

9.2.2.5 Council will require, as a condition of the approval of any new development or redevelopment, that sufficient lands are conveyed to the Municipality to provide for a road right-of-way width in accordance with the functional classification.

9.2.2.6 In considering development or redevelopment proposals for residential purposes adjacent Provincial Highways or County Roads, Council shall require the submission of a noise analysis that addresses potential impacts and the need to implement increased setbacks, buffering, screening and landscaping or other attenuation measures so as to reduce the negative effects of such roads on proposed adjacent sensitive land uses (including residences, schools and day care facilities).

9.2.2.7 Council will not assume or dedicate any roads which do not meet the minimum acceptable standards of the Township.



- 9.2.2.8 All new or existing private roads to be dedicated to the Municipality must be brought up to current Municipal standards prior to being assumed by the Township. Existing seasonally maintained public roads must also be brought up to current Municipal standards before they will be considered for year-round service.

### 9.3 Storm Water Management

- 9.3.1 Where development is proposed, appropriate storm water management and construction mitigation measures shall be implemented.
- 9.3.2 Proponents should use best management practices and address the effect of storm water upon receiving waterbodies with respect to velocity, sedimentation, water quality and identified significant fish or other habitat.
- 9.3.3 Any application for commercial or industrial development must be accompanied by a storm water management report prepared by a qualified professional, to the satisfaction of the Township.

## Section 10 Implementation and Interpretation

### 10.1 Zoning

#### 10.1.1 Comprehensive Zoning By-law

- 10.1.1.1 The Township's comprehensive Zoning By-laws will be updated as necessary to conform to the policies of this plan. Such a by-law will, among other matters, set standards and regulations and define more precisely, the uses and limits of areas to be allocated for specific land uses.
- 10.1.1.2 Zoning may be implemented to identify areas with limited Municipal service provision.

#### 10.1.2 Holding By-laws

- 10.1.2.1 The Planning Act provides for the use of a Holding symbol (H) in conjunction with any land use zone found within the Zoning By-law.
- 10.1.2.2 Holding By-laws shall be implemented by use of the symbol "H" in conjunction with the land use zones of the Zoning By-law, and may include provisions for interim permitted uses, such as existing uses and minor extensions thereto, and other uses which are deemed compatible with surrounding land uses and will not adversely affect the future development potential of the land.



10.1.2.3 The purpose of the Holding Zone is to:

- Prevent or limit the use of land in order to achieve orderly development;
- To ensure that any required studies have been completed;
- To allow for the implementation of special design features; and,
- To allow for the entering into of a site plan agreement as a requirement of the development process.

10.1.2.4 Generally, the Holding symbol should be applied to vacant land which may eventually be developed, but which is now considered to be premature or inappropriate for immediate development or redevelopment, or may not have adequate infrastructure currently available.

10.1.2.5 Application to remove the Holding (H) symbol will be considered in accordance with the provisions of the Planning Act, and will include confirmation that the proposed development is no longer premature or inappropriate.

### 10.1.3 Temporary Use By-laws

10.1.3.1 Council may pass by-laws to permit the temporary use of lands, buildings or structures, pursuant to Section 39 of the Planning Act, provided that the following requirements are complied with:

- the use generally conforms with the intent of this Official Plan;
- the use is compatible with surrounding land uses and activities;
- such temporary uses or activities do not result in hazardous conditions for either vehicular or pedestrian traffic; and,
- that relevant parking and service area requirements are complied with.

10.1.3.2 Such a by-law shall define the area to which it applies and prescribe the period of time, up to 3 years with the possibility of renewal, for which the authorization shall be in effect, having regard for the appropriateness and temporary nature of the use or activity.

**MMAH  
Mod. No. 13**

10.1.3.3 Upon expiry of the temporary zoning by-law, the use must cease to exist.

### 10.1.4 Non-Conforming Uses

10.1.4.1 Any land use legally existing prior to the approval of this plan which does not conform to the permitted uses of this plan, should cease to exist in the long term. In extenuating circumstances, it may be desirable to permit the extension or enlargement of the non-conforming use, in order to prevent undue hardship.

10.1.4.2 Certain uses of land that existed at the date of approval of this plan may be deemed to conform to the intent of this plan for the purpose of a zoning by-law. Such uses may be zoned specifically for their existing use, provided:



- the zoning will not permit any change of use or regulation;
- the zoning will not aggravate the existing situation;
- the use is located outside the flood way portion of a river or stream system's flood plain;
- the use does not constitute a danger to surrounding uses or persons by virtue of their hazardous nature, the traffic they generate, or pollution of air or water, to the extent of interfering with the ordinary enjoyment of property;
- the zoning is not detrimental to or incompatible with the abutting uses; and,
- the zoning will not interfere with the desirable development of adjacent areas.

10.1.4.3 Any land use that is illegal, under the existing approved By-laws of the Township, does not become legal by virtue of the adoption of this Plan.

#### 10.1.5 Existing Lots

10.1.5.1 Lots which existed as of the date of approval of this Plan and do not meet the minimum lot frontage and area requirements of this Plan may be recognized in zoning, provided that:

- the lot is suitable and of sufficient size to accommodate the use proposed and the necessary water and sewage disposal services;
- the lot is in general character with the surrounding lots;
- the environmental and development constraints policies of the Plan can be addressed; and,
- any other specific policies of the Plan respecting the development of an existing lot are satisfied.

### 10.2 Lot Creation

#### 10.2.1 Plans of Subdivision or Condominium Descriptions

10.2.1.1 This section applies to any proposal for the creation of 5 (five) or more lots or in situations where the Township identifies that it is in the public interest to proceed by way of subdivision approval or condominium description.

10.2.1.2 All applications must be accompanied by a hydrogeology and terrain analysis report (demonstrating that the water quality of the subject and surrounding properties will not be adversely affected and that the impact from the proposed sewage disposal systems will be acceptable), an impact assessment of septic system effluent on the groundwater, and a storm water management report (prepared by qualified professionals, to the satisfaction of the Township).



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- 10.2.1.3 An aquifer evaluation report will be required to confirm that a suitable water supply can be obtained for each proposed lot.
  - 10.2.1.4 Approval from the appropriate road authority for access to the development, and confirmation of road allowance widenings and reserves will be required at the time of application.
  - 10.2.1.5 All areas of environmental constraint and significance, including but not limited to those indicated on Schedules "B" and "B-A", shall be investigated and reported on by qualified professionals, the results and recommendations of which shall be implemented through conditions of draft plan approval.
  - 10.2.1.6 Communal water and sewage systems that may service multiple lot development will require approval by the Ministry of the Environment.

#### 10.2.2 Consents to Land Severance

- 10.2.2.1 Consents may be permitted for the creation of up to 5 lots (four new plus one existing), provided the policies of this plan are adhered to.
- 10.2.2.2 Council shall establish that a plan of subdivision is not required for the proper and orderly development of the land.
- 10.2.2.3 The intent and purpose of the Official Plan and Zoning By-law must be maintained.
- 10.2.2.4 The lot should be reasonably well proportioned, of regular shape and dimension, and must be of sufficient size and configuration to be serviced by private on-site water and sewage disposal systems.
- 10.2.2.5 The lot must front on an existing year round publicly maintained Township road, unless it is located in the Waterfront designation, in which case the provisions of Section 6.2 apply.
- 10.2.2.6 The lot shall not create a traffic hazard to sight lines, curves, or grades of existing development, as set out in accepted traffic engineering standards.
- 10.2.2.7 The lot shall meet Minimum Distance Separation requirements in the Rural area if there is an agricultural operation in the vicinity.
- 10.2.2.8 Severances will not be considered where the creation of a new lot may:
  - be subject to the danger of flooding, erosion, steep slopes, high water tables or other physical hazard;
  - have a negative impact on natural features and environmentally sensitive areas of surrounding lands; or,
  - be in proximity to extractive industrial operations or areas identified as having mineral or aggregate resources.
- 10.2.2.9 Consent applications may be considered to:



- correct lot boundaries; or,
- convey additional lands to an adjacent lot provided the conveyance does not lead to the creation of an additional building lot and/or create an undersized or irregularly shaped lot.

10.2.2.10 Any application for consent to sever for commercial or industrial purposes must also be accompanied by a storm water management report prepared by a qualified professional, to the satisfaction of the Township.

#### 10.2.3 Part Lot Control Exemption

10.2.3.1 Where the Township determines that it is appropriate, lot creation may occur through the use of Part Lot Control Exemption by by-law, in accordance with the Planning Act.

#### 10.2.4 Use of Development Agreements

10.2.4.1 The Township may require a proponent to enter into municipal agreements as may be required in this Plan and in accordance with relevant Provincial statutes.

### 10.3 Deeming

10.3.1 Council may deem any plan of subdivision, or part thereof, that has been registered for eight years or more, not to be a registered plan of subdivision pursuant to Section 50 of the Planning Act, where such subdivision does not conform with the Official Plan.

### 10.4 Site Plan Control

10.4.1 All areas of the Township are designated as Site Plan Control areas under the provisions of the Planning Act. All uses in the Township may fall under Site Plan Control.

**OPA No. 1**

10.4.2 Site Plan Control shall be utilized by the Township to ensure its compatibility with the vision and principles of this plan and to ensure:

- safe, orderly and functional development;
- safe and efficient vehicular and pedestrian access;
- land use compatibility between new and existing development;
- the provision of functional and appealing on-site amenities and facilities such as landscaping, fencing and lighting;
- the provision and appropriate placement of required services such as driveways, parking, loading facilities and garbage storage;
- the proposed development has regard for accessibility for persons with disabilities;
- appropriate protection to the natural environment, including recreational water quality;

**OPA No. 1**



- sustainable design elements on an adjoining street are provided, which may include trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle parking facilities;
- the provision of easements or grading and site alterations necessary for public utilities and site drainage; and,
- the proposed development is built and maintained as approved.

10.4.3 As part of the Site Plan Control process, the dedication (free of all charge and encumbrance to the appropriate authority) for the following road improvements may be required:

- Land for a widening of the road allowance to Municipal standards. Any road widening obtained under this policy must be taken equally on both sides of the centre line of the existing travelled surface of the road. In circumstances where a road widening must be taken unequally, or in its entirety from one side of the road, only one-half will be taken through Site Plan Control.
- A dedication for sight triangles and turning lanes at the intersection of public roads, to meet engineering standards as described in the Site Plan Control By-law, may be required to meet applicable Municipal standards where such dedication would extend beyond the road allowance widths stated above.
- A dedication may be required for an area necessary to construct grade improvements or separations where the proposed development requires such improvements respecting traffic volume or hazards to the road onto which the proposed development abuts or is immediately adjacent to, which extends beyond the road allowance widths as stated above. Such dedication may only be required to the extent that the dedication meets applicable Municipal standards.

## 10.5 Municipal Land Acquisition

10.5.1 The Council of the Corporation of the Township of Minden Hills may acquire land to implement any feature of this Plan in accordance with the provisions of the Planning Act, the Municipal Act, or any other Act.

10.5.2 New municipal parks may be established, through the provisions of the Planning Act and Municipal purchases, on the shores of waterbodies and for the preservation of unique natural features.

## 10.6 Maintenance and Occupancy By-laws

10.6.1 Council may enact a by-law setting forth the minimum standards for the maintenance and occupancy or use of property within the Township of Minden Hills and for prohibiting the occupancy or use of property that does not conform to the standards established thereunder. The by-law shall contain provisions for requiring property, which does not conform, to be repaired and maintained in accordance with the prescribed standards, or, for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition. The Council for the Township of Minden Hills shall, upon the enactment of a



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Property Standards By-law, appoint a Property Standards Committee responsible for the administration and enforcement of the said By-law.

10.6.2 Regard shall be had for the following matters in the enactment of the Property Standards By-law:

- the physical condition of yards and passageways, including the accumulation of debris and rubbish;
- the adequacy of sanitation facilities inclusive of drainage and facilities for waste disposal and garbage;
- the physical condition of all buildings or dwellings with particular regard to such matters as: structural standards and appearances; adequacy of heat, light and ventilation; condition of stairs, interior walls, ceilings, floors and plumbing facilities and appurtenances; and, adequacy of electrical services, fire protection, safety and warning devices; and,
- the physical condition of accessory buildings and the property.

#### 10.7 Interpretation of Land Use Designation Boundaries

10.7.1 The boundaries between land uses designated on the Schedules to the Plan are approximate. Where boundaries coincide with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features, they are not open to flexible interpretation. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.

10.7.2 It is recognized that the boundaries of the Natural Features overlay designations identified in Schedules “B” and “B-A” may be imprecise and subject to change or refinement. The Township shall determine the extent of the environmental areas on a site-by-site basis when considering any development proposal, in consultation with the appropriate agencies. Any refinement to the designation shall not require an Amendment to this Plan.

10.7.3 Where a lot is within more than one designation on the Land Use Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

#### 10.8 Official Plan Review Process

10.8.1 The Official Plan is not a static document and shall be amended periodically to reflect changing conditions and to serve the overall public interest.

10.8.2 Council will review the need for changes to the Official Plan at least every five years as dictated by Section 26 of the Planning Act. The five year review will consist of an assessment of:

- the relevance of the goals and objectives that form the foundation of this Plan;
- the extent to which the anticipated development pressures have occurred;
- the suitability of the policies applicable to the various land use designations; and,
- the need for revised or new policy initiatives.



## 10.9 Official Plan Amendment Review Process

- 10.9.1 While the Plan is intended to provide direction for growth for the future, there is recognition that an Official Plan cannot anticipate all forms of development that may be appropriate and desirable in the community. As such, Amendment to the Official Plan may be initiated or considered by the Township at any time, to ensure that the Plan remains current and relevant.
- 10.9.2 Requests for site specific changes to the Official Plan may be considered by Council upon application, and will be evaluated on the basis of the following criteria:
- conformity with the overall intent, philosophy, goals, principles and policies of the Official Plan;
  - suitability of the location of the site for the proposed land use;
  - compatibility of the proposed land use with surrounding uses;
  - the need for and feasibility of the use, where considered appropriate;
  - the impact of the proposal on municipal services and infrastructure;
  - the economic benefits and financial implication to the Township; and,
  - regard for the County of Haliburton Official Plan and the Provincial Policy Statement.

## 10.10 Alternative Notice Requirements

### 10.10.1 Official Plan Amendments

- 10.10.1.1 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.
- 10.10.1.2 Where Council proposes to convene any subsequent public meeting or meetings pursuant to Section 17(18) of the Planning Act, as amended, such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.
- 10.10.1.3 Where it is found necessary to make a technical amendment to the Plan which does not change the effect of the Plan, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 17(18) of the Planning Act, as amended.
- 10.10.1.4 If, following the giving of notice, a member of the public or an agency advises that there is insufficient time to respond, Council may proceed with the public meeting, but will defer any decision on the application until a subsequent meeting, such subsequent meeting not to be held sooner than 30 days after the given of the original notice for the public meeting.



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### 10.10.2 Zoning Bylaw Amendment

- 10.10.2.1 Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 34 (14), of the Planning Act, as amended, such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.
- 10.10.2.2 Where it is found necessary to make a technical amendment to a bylaw, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 34(14) of the Planning Act, as amended.
- 10.10.2.3 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.

### 10.10.3 Community Improvement Plans and Amendments

- 10.10.3.1 The public meeting required pursuant to Section 28(4) of the Planning Act, as amended, shall be held not sooner than 20 days after compliance with the requirements for the giving of notice.
- 10.10.3.2 Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 28(4), such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.

### 10.11 Official Plan Implementation

- 10.11.1 This Plan will be implemented through the Planning Act, other applicable provincial legislation and appropriate local and county initiatives.

### 10.12 Environmental Impact Studies (EIS)

- 10.12.1 Where required elsewhere in this Plan, or as required by the Township and the governing agencies through the development review process, an Environmental Impact Study (EIS) shall be prepared in accordance with the requirements of this section, and in consultation with other appropriate authorities.
- 10.12.2 The purpose of an EIS is to collect and evaluate the appropriate information required to have a complete understanding of the boundaries, attributes and functions of the environmental features, and to make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the environmental feature.
- 10.12.3 The EIS shall include:
- a description and photographs of the physical features on site, including structures, soils, vegetation, wildlife, topography, watercourses and other relevant features;
  - a general description of the physical features of the land around the site;
  - a description of the ecological and hydrogeological functions of the subject property;



- a summary of the development proposal including a detailed drawing of the proposed development;
- a description of the potential impacts of the development on the physical features of the site;
- where necessary, a review of alternative development options and alternative methods of mitigating the impacts of the proposed development;
- exploration of opportunities for environmental enhancement; and,
- an implementation and monitoring plan, including mitigation measures and enhancements.

10.12.4 The EIS should demonstrate, where applicable, that the proposed use will:

- not discharge any substance that could harm air quality, groundwater, surface water and/or associated plant and animal life;
- be supplied by an adequate supply of water and that the water taking associated with the use will not harm existing water supplies and/or associated plant and animal life;
- not cause erosion or siltation of watercourses or changes to watercourse morphology;
- not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- not cause an increase in flood potential on or off site;
- maintain, enhance, or restore the natural condition of affected watercourses, and protect, enhance, or restore aquatic habitat;
- not significantly affect the scenic qualities of the area; and,
- enhance and restore endangered terrestrial and aquatic habitat where appropriate and feasible.

#### 10.13 Boat Impact Assessment

10.13.1 A boat impact assessment will be required prior to the approval of an application for an Official Plan or Zoning By-law amendment, or upon the request of the Township, where the establishment of a significant boat docking or mooring facility is proposed. A boat impact assessment is intended to evaluate the suitability of a site and the immediate area to accommodate a significant boat docking or mooring facility and its associated boat traffic.

10.13.2 A significant boat docking facility includes:

- a facility or an addition to a facility which from the date of approval of this plan would cumulatively accommodate 15 or more boats;
- a new or expanded facility associated with a commercial use on a narrow waterbody; and,
- the establishment of a new marina, waterfront landing, or boat livery.

10.13.3 A boat impact assessment will consider:

- a description of the proposal including property size and location, environmental influences or development constraints, and physical characteristics of the land and the water interface;



- a plan showing the location, orientation and size of existing and proposed facilities;
- a review of the context and factors related to the boating facility that may affect the use of the water resource, such as existing boat traffic and other water use, size of the water system, expected boat traffic (volume, frequency and distribution), access to the property and the boating facility from the land and water, influences or constraints to navigation, reported accidents or occurrences, and any other pertinent information; and,
- an assessment of the potential impact of the proposal and identification of any mitigation measures which may be required, including suitability of the location, extent, type and orientation of facilities (e.g. docking, lighting, parking), and mitigation measures to reduce impact.

#### 10.14 Site Evaluation Reports

OPA No. 1

10.14.1 Site evaluation reports may be required prior to the creation of a new lot or redevelopment of an existing lot on lakes that are considered to be at or near capacity.

OPA No. 1

10.14.2 Where this Plan requires submission of a site evaluation report, the document will include an analysis that will show existing features, including:

- slopes;
- soil depth to bedrock or 1.3 metres, type, and internal drainage;
- shoreline and upland vegetation;
- overland drainage;
- fish and wildlife habitat;
- natural and cultural heritage protection; and,
- access.

In addition, the report will indicate the location of existing and proposed buildings, structures, tile fields, golf facilities and ski hills (if applicable), and proposed site alterations relative to the shoreline and to existing and proposed lot lines. As well, it will need to demonstrate whether lot frontages and areas, building structure, tile field, golf facilities and ski hill setbacks and natural buffers from surface water tributaries, lakes and wetlands, are adequate for protecting such features, their functions and landscape aesthetics. The site evaluation report will also need to substantiate whether the policies in Section 4 can be met.

OPA No. 1

10.14.3 Council will prescribe more detailed requirements for site evaluation reports, tailored to the scale of development. These may range from a short form for development creating or further developing a single residential lot, to a detailed professional study for larger scale development.

#### 10.15 Monitoring

10.15.1 The Township will monitor the effect of this plan on an annual basis through an inventory of development activity such as lot creation, building permit activity and land use changes, as well as through review of social, economic and environmental trends.



10.16 Information to be provided with applications

OPA No. 1

- 10.16.1 On an application for official plan amendment made pursuant to Section 22 of the Planning Act, the applicant shall provide the information or reports required as noted elsewhere in this Plan prior to Council accepting or further considering the request for an amendment to the Official Plan, as provided in Sections 22(5) and 22 (6) of the Planning Act.
- 10.16.2 On an application for zoning amendment made pursuant to Section 34 of the Planning Act, the applicant shall provide the information or reports required as noted elsewhere in the Plan prior to Council accepting or further considering the request for an amendment to the zoning by-law, as provided in Sections 34(10.2) and 34(10.3) of the Planning Act.
- 10.16.3 Council may waive the requirement for such additional information or reports where it is satisfied that such information is not required for the evaluation of the application.

OPA No. 1

10.17 Site Alteration and Tree Conservation By-laws

- 10.17.1 The Township may pass by-laws to prohibit or regulate the destruction or injuring of trees, require that a permit be obtained to injure or destroy trees, and impose conditions to a permit, as provided in the Municipal Act, 2001, as amended (Section 135).
- 10.17.2 The Township may pass by-laws respecting the dumping or placing of fill, removal of topsoil or the alteration of the grade or land as provided in the Municipal Act, 2001, as amended (Section 142).

